

The Ninth Circuit's recent decision in *Jones v. Royal* found that a seller was not vicariously liable for calls made by a telemarketer in violation of the Telephone Consumer Protection Act. Sellers should review their contracts and make sure that their telemarketers are independent contractors in order to minimize their liability, says Patrick McLaughlin of Spencer Fane LLP. [Read more »](#)

Examining FDA Reauthorization Act Add-On Provisions

In addition to reauthorizing user fees, the recently enacted Food and Drug Administration Reauthorization Act amends the Federal Food, Drug, and Cosmetic Act to effect other reforms, some of which could have important implications for industry and the population at large, say attorneys with Latham & Watkins LLP. [Read more »](#)

6 Common Lateral Partner Myths Debunked

It's safe to say that while demand ebbs and flows for legal services, there will never be a shortage of opinions about lateral partner hiring, which is positive for the industry, as anything with such vital importance to careers should attract significant attention. However, there is a unique mythology that travels with the discussions, says Dan Hatch of Major Lindsey & Africa. [Read more »](#)

LEGAL INDUSTRY

How To Deal With Jerks In The Legal Profession

The exact number of jerks in BigLaw has never been established, but anecdotal evidence suggests there are at least a few. Here, mental health experts, life coaches and the author of a new book offer up four tips for dealing with difficult people in law. [Read more »](#)

Amended Chadbourne Gender Bias Suit Wins Grudging OK

A New York federal judge on Friday refused a motion to strike a second amended complaint in the gender discrimination suit against Chadbourne & Parke LLP, saying the additions the plaintiffs made to the complaint in excess of what had been directed did not prejudice the defendants. [Read more »](#)

Holland & Knight Gets Judgment Against Ex-Partner For Fees

Holland & Knight LLP secured a \$772,000 judgment in New York Supreme Court earlier this month against a former trusts and estates partner for unreturned legal fees stemming from his work as a guardian ad litem while at the firm. [Read more »](#)

Kirkland, NYC Charities Secure 'Sesame Street' Royalties

Kirkland & Ellis LLP's pro bono legal services helped 10 New York City charities secure almost \$600,000 in lump sum payments for royalties from the works of the late Tony Geiss, a screenwriter for "Sesame Street" and "The Land Before Time," among other children's classics. [Read more »](#)

Cuban American Bar Assoc. Zeroes In On Attys' Mental Health

After the suicide in June of a prominent Miami attorney rocked the local legal community, the Cuban American Bar Association is making mental health a focus, starting with an annual luncheon Friday that featured attorney Brian Cuban — brother of businessman Mark Cuban — to talk about his struggle with addiction and depression. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

A new report finds that President Trump's proposed corporate tax cuts are not likely to help workers, Delaware is the latest state to step up companies' data security obligations

and corporate counsel are renewing the push for diversity among their outside attorneys. These are some of the top stories in corporate legal news you may have missed last week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

Podcast

Law360's Pro Say: Why Aren't Law Firms More Diverse?

On the latest episode of Law360's Pro Say podcast, the team discusses how the push for law firm diversity is stagnating, a massive verdict against Johnson & Johnson in a trial over the link between baby powder and cancer, and one firm that fired a partner with ties to a neo-Nazi record label. [Read more »](#)

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From: Public Policy Law360
Sent: Wednesday, August 30, 2017 4:23 AM
To: Rep30
Subject: H-1B Petitioners Hit With Surprise Scrutiny Increase



Wednesday, August 30, 2017



TOP NEWS

Analysis

H-1B Petitioners Hit With Surprise Scrutiny Increase

With the Trump administration ramping up scrutiny of the H-1B visa program for skilled foreign workers, immigration attorneys say they're seeing an increase in government requests for evidence on H-1B petitions, with extra attention paid to those that offer entry-level wages. [Read more »](#)

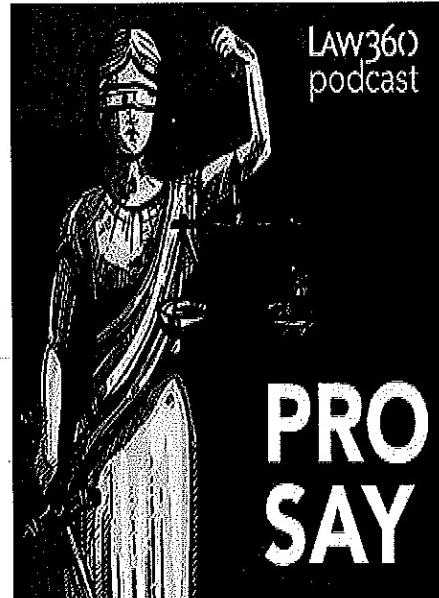
Fed. Circ. Hammers Gov't Defense Of 'Scandalous' TM Ban

A Federal Circuit panel tore into the U.S. government's defense of a law banning the registration of "scandalous and immoral" trademarks on Tuesday, asking why that prohibition should stand after one for "disparaging" marks was just scrapped by the U.S. Supreme Court under the First Amendment. [Read more »](#)

Analysis

DOL's OT Rule Strategy May Leave Employers In Limbo

The U.S. Department of Labor's decision not to ask the Fifth Circuit to pause a challenge to an injunction freezing the Obama administration's controversial overtime rule while the agency crafts a replacement means the 2016



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Casellas Alcover

Cozen O'Connor

Crowell & Moring

Drinker Biddle

regulations could get a green light before a replacement rule is ready, creating a potential compliance nightmare for employers. [Read more »](#)

9th Circ. Enjoins Seattle's Uber, Lyft Union Law

Two Ninth Circuit judges Tuesday temporarily granted the U.S. Chamber of Commerce an emergency injunction blocking a Seattle ordinance allowing for-hire drivers at companies such as Uber and Lyft to unionize, as the court considers a motion to stay the case, pending an appeal of a district court order dismissing the suit. [Read more »](#)

'Emerging Growth' Cos. Urged To Brace For More Scrutiny

Now that the Jumpstart Our Business Startups Act is more than 5 years old, a financial executives group is urging "emerging growth" companies to prepare for more rigorous scrutiny as certain benefits the law provides to encourage younger issuers to go public begin to expire. [Read more »](#)

OMB Pushes Pause On EEOC Pay Data Collection

The Office of Management and Budget on Tuesday paused the U.S. Equal Employment Opportunity Commission's collection of pay data from businesses' employer information reports, calling some aspects of the recently expanded collection "unnecessarily burdensome." [Read more »](#)

Biz Group Wants Phone Database To Cut TCPA Suits

The U.S. Chamber of Commerce, Comcast Corp. and others Monday applauded the Federal Communications Commission's efforts to create a database of phone numbers that have been reassigned to new consumers to help businesses avoid ringing people who don't want to be called, but expressed concern

Eversheds Sutherland
Faegre Baker
Fragomen Del Rey
Greenberg Traurig
Harrity & Harrity
Jenner & Block
Jones Day
Kaufman Dolowich
Kellogg Hansen
Lawyers' Committee for Civil Rights
Massey & Gail
Mayer Brown
Mintz Levin
Morgan Lewis
Munger Tolles
Nixon Peabody
O'Melveny & Myers
O'Neill & Borges
Proskauer Rose
Quinn Emanuel
Robinson & Cole
Sanford Heisler
Sedgwick LLP
Seyfarth Shaw
Stoll Glickman
Strasburger & Price
Troutman Sanders
Weil Gotshal
WilmerHale
Winston & Strawn
COMPANIES
American Civil Liberties Union
American Federation of State, County and Municipal Employees
Apple Inc.
Assured Guaranty Ltd.
CTIA

about the potential for "abusive litigation.= 2
[Read more »](#)

ENERGY & ENVIRONMENTAL

III. Nuke Subsidy Plan Flouts Feds, 7th Circ. Told

An Illinois federal judge wrongly backed the state's plan to subsidize struggling nuclear power plants, which clearly usurps federal authority over wholesale electricity markets, a coalition of independent power producers told the Seventh Circuit on Monday. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

NHTSA Has Hazy Role In Connected-Car Privacy, Report Says

Automakers and regulators have taken steps to address privacy concerns associated with connected vehicles, but the National Highway Traffic Safety Administration must better define its yet-unclear role in protecting the implicated data, according to a U.S. Government Accountability Office report released Monday. [Read more »](#)

EMPLOYMENT

III. State Worker Urges Justices To Take Up Union Fees Case

A nonunion Illinois state employee on Tuesday again urged the U.S. Supreme Court to consider the legality of mandatory public sector union fees, arguing his challenge is an apt vehicle for reviewing the 40-year-old precedent that allowed those so-called agency fees. [Read more »](#)

III. Staff Firings Not Tied To Harassment Probe, Judge Says

A Cook County judge on Monday ruled in favor of former Illinois Treasurer Dan Rutherford in a case brought by three former employees who alleged they'd been fired in retaliation for

CUNA Mutual Group
Calpine Corporation
Chicago Cubs
Comcast Corporation
Dynegy Inc.
Exelon Corporation
Facebook
Home Depot, Inc.
Huntington Ingalls Industries Inc.
International Brotherhood of Teamsters
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
NFL Enterprises LLC
NRG Energy Inc.
National Immigration Law Center
National Rifle Association of America
National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association
PJM Interconnection LLC
Snap Inc.
Talen Energy Corp.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Telecom Association
United Steelworkers
GOVERNMENT AGENCIES
Bureau of Citizenship and Immigration Services
Centers for Medicare & Medicaid Services
Department of Commerce
Equal Employment Opportunity Commission

cooperating in an investigation of the politician's alleged sexual harassment of another staffer. [Read more »](#)

Beryllium Rule Commenters Blast DOL's Proposed Rollback

The U.S. Department of Labor received 70 comments on its proposal to pull back certain provisions of its beryllium exposure rule ahead of a Monday deadline, with most of the comments publicly available Tuesday criticizing the proposed change. [Read more »](#)

PRIVACY & CYBERSECURITY

EU Data Protection Law Not Revolutionary, UK Regulator Says

The highly anticipated general data protection regulation set to take effect in the European Union next year will almost certainly require companies to step up their privacy game, but it won't crush them, according to the U.K.'s data protection regulator, which called the new regime a logical "evolution in data protection, not a revolution." [Read more »](#)

Ballot Selfies Could Lead To Voter Pressure, Expert Says

Allowing voters to take selfies with their marked ballots could allow groups to put pressure on members to reveal their votes, a political science professor testified Tuesday in the New York federal bench trial of a suit by voters who claim the selfie ban violates their First Amendment rights. [Read more »](#)

CONSUMER PROTECTION

Home Depot To Pay \$5.7M For Selling Recalled Products

The U.S. Consumer Product Safety Commission announced Tuesday that it would likely accept a \$5.7 million deal with Home Depot USA Inc., settling charges the hardware

European Union
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
National Highway Traffic Safety Administration
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Council
New York Attorney General's Office
New York State Board of Elections
New York State Department of Financial Services
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Consumer Product Safety Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Senate

store knowingly sold recalled consumer products. [Read more »](#)

AEROSPACE & DEFENSE

DOD Says Discharge Reviews Can Consider More Conditions

The U.S. Department of Defense released guidance Monday intended to clarify that sexual assault, sexual harassment and mental conditions other than post-traumatic stress disorder can be considered when it reviews discharges and military records to see if they should be upgraded. [Read more »](#)

State Dept. Board To Review Afghan Truck Bombing Deaths

Secretary of State Rex Tillerson has convened an accountability review board to investigate the May deaths of 10 local guard contractors in Afghanistan in a truck bombing, the State Department has announced. [Read more »](#)

INTERNATIONAL TRADE

DC Court Rejects Challenge To Seafood Origin Rule

A D.C. federal judge has upheld a regulation requiring importers to trace the origin of seafood brought into the United States, granting a quick win to the federal government on Monday against seafood companies and trade groups who had argued that regulators failed to follow proper procedure in issuing the rule. [Read more »](#)

CBP Needs Better Data On Foreign Trade Zones, GAO Says

The U.S. Customs and Border Protection must do more to quantify the downstream economic impact of duty-free foreign trade zones, according to a U.S. Government Accountability Office report circulated Monday that found a substantial lack of information about the program's ripple effects. [Read more »](#)

U.S. Supreme Court
Vermont Department of Financial Regulation

BANKRUPTCY

Puerto Rico Board Says Fiscal Plan Grips Aren't Actionable

The oversight board tasked with steering Puerto Rico through its bankruptcy-like process hit back on Monday against two bond insurers seeking to overturn the island's proposed fiscal plan, telling the federal court overseeing the restructuring that the insurers have no standing and their suit must be dismissed. [Read more »](#)

IMMIGRATION

Trump Admin., Rights Groups Settle NY Travel Ban Suit

President Donald Trump's administration and advocates for a proposed class of travelers from seven majority-Muslim countries suing over an executive order barring them from entering the U.S. have agreed to settle the case. [Read more »](#)

USCIS To Interview More Green Card Seekers

U.S. Citizenship and Immigration Services will soon begin conducting in-person interviews with certain immigrants in the U.S. seeking permanent residency, as part of the Trump administration's "comprehensive strategy" to strengthen the immigration system and prevent fraud, an agency statement said Monday. [Read more »](#)

Bipartisan Mayor Group Asks Trump To Keep DACA Program

A bipartisan coalition of mayors from cities across the country joined forces Tuesday to voice their opposition against a possible repeal of the Deferred Action for Childhood Arrivals immigration program by President Donald Trump, which could come as soon as this week according to the city officials. [Read more »](#)

TELECOMMUNICATIONS

Users Say Internet Is An Information Service: NCTA Survey

USTelecom and NCTA-The Internet and Cable Television Association shared a survey with the Federal Communications Commission on Monday claiming to demonstrate that users view broadband internet access services as a form of information service, meaning that it should be classified as such. [Read more »](#)

EXPERT ANALYSIS

An Emerging Patchwork Of Cybersecurity Rules

With the recent adoption of cybersecurity regulations governing broker-dealers and investment advisers registered in Colorado and Vermont, the landscape of cybersecurity regulation continues to evolve. For businesses not yet covered by cyber regulations, these latest moves indicate that the day of reckoning may be coming, say attorneys with Eversheds Sutherland. [Read more »](#)

Telehealth: A Priority For Advancing Quality Health Care

Following its August recess, Congress will have less than four weeks to work through must-pass legislation that would fund the Children's Health Insurance Program. Amid this hard-stop deadline for program funding, there is a possibility that this legislation could lend itself as a vehicle to attach other party priorities, such as expansion of telehealth services for Medicaid beneficiaries, say attorneys with Faegre Baker Daniels. [Read more »](#)

LEGAL INDUSTRY

Sedgwick Loses 12 More Attys, This Time To Robinson & Cole

Twelve more attorneys have left Sedgwick LLP for the New York and Miami offices of

Robinson & Cole LLP, marking the latest in a string of departures from Sedgwick, which has lost at least 33 partners since the start of the year. [Read more »](#)

3 Law Firms With Their Own Riff On The Mansfield Rule

Nearly 50 law firms have adopted the Mansfield Rule in an effort to improve diversity, but a few firms have decided to go rogue and implement their own versions of the rule. Here are three alternative riffs on the diversity initiative, and how they're playing out. [Read more »](#)

Quinn Emanuel Adds Bonus Plan To Retain Associates

Quinn Emanuel Urquhart & Sullivan LLP announced a plan Monday to award additional bonuses to associates who stay with the firm for at least three years in an effort to recruit and retain young legal talent. [Read more »](#)

Proskauer Says Female Atty In \$50M Bias Row Isn't Employee

Proskauer Rose LLP tore into a female partner and practice group head's \$50 million gender bias suit against the firm in Washington, D.C., federal court Monday, arguing she can't sue the firm under laws that protect employees and not equity-holding members of a partnership. [Read more ½ B](#)

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From: Center Forward
Sent: Wednesday, August 30, 2017 6:16 PM
To: Rep30
Subject: RE: It takes more than a solar eclipse



Bill,

Did you see our last email? In a few days Congress will return from a month-long recess. We're reaching out because real bipartisan action is now more necessary than ever!

Upon their return Congress will face a range of immediately pressing issues, from tax reform and the debt ceiling to foreign sanctions and immigration. **We'll be fighting to make sure our leaders put country over party and do their job. Will you join us?**

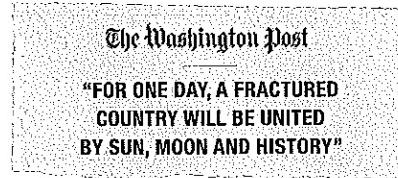
SIGN ON NOW

This is not the time to play partisan games. It's time to get back to work for ALL Americans. **Sign on if you agree.**

Thanks,
Center Forward

----- Previous message -----

From: **Center Forward** <cf@center-forward.org>
Date: Wed, Aug 23, 2017 at 11:10 AM
Subject: It takes more than a solar eclipse
To: rep30@ohiohouse.gov



Bill,

On Monday, from coast to coast, Americans got to experience a rare and beautiful natural phenomenon: a total solar eclipse. While we certainly enjoyed the spectacle, and we hope you did too, we saw too many headlines like the one above.

Our nation is struggling with an often-vicious political climate, but it won't be fixed by a once-in-a-generation eclipse! It can only be fixed by hard work.

In two weeks Congress will be back in session, and we'll be fighting to make sure they put aside partisan games and do their job. Will you join us?

SIGN ON NOW

When they return, Congress will need to address pressing issues like tax reform, the debt ceiling, healthcare, foreign sanctions, and immigration.

The American people don't have time for partisan gridlock. That's why we're demanding our leaders get right to work on real bipartisan solutions. Sign on if you agree.

Thanks,
Center Forward

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From: Cisco Unity Connection Messaging System
Sent: Thursday, August 31, 2017 10:02 AM
To: rep30la@unityohr
Subject: Message from AFSCME OHIO COU (16148411918)
Attachments: VoiceMessage.wav

From: Public Policy Law360
Sent: Tuesday, September 5, 2017 4:50 AM
To: Rep30
Subject: Menendez Trial To Test Line Between Friendship, Corruption



Tuesday, September 5, 2017



TOP NEWS

Analysis

Menendez Trial To Test Line Between Friendship, Corruption

Sen. Bob Menendez and Florida ophthalmologist Salomon Melgen may point to their long-standing friendship to fight corruption charges when their bribery trial starts on Wednesday, but the lavishness of the gifts the senator received from the doctor and his failure to publicly disclose them could undercut that defense, attorneys say. [Read more »](#)

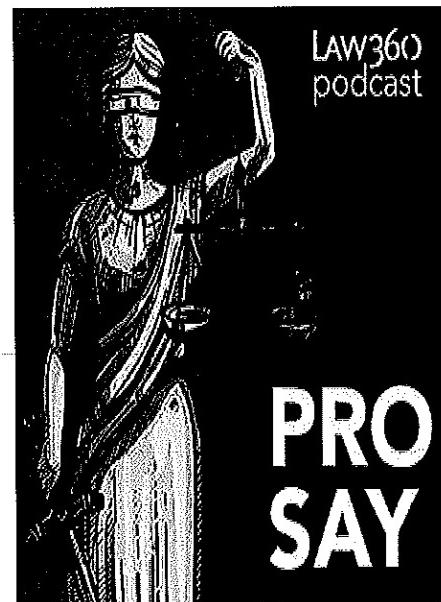
Trump Taps SC Agency Head To Lead DOL Wage And Hour Unit

Cheryl Stanton, head of South Carolina's workforce agency and a former Oglethorpe Deakins Nash Smoak & Stewart PC shareholder, has been chosen to lead the U.S. Department of Labor's Wage and Hour Division, the White House announced Friday. [Read more »](#)

Analysis

4 Things To Watch After Obama's OT Rule Nixed

Employers scored a big victory Thursday when a Texas federal judge struck down a rule put forward by the Obama administration that doubled the salary threshold under the Fair Labor Standards Act for workers to qualify for



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Arnold & Porter Kaye Scholer

Baker McKenzie

Balch & Bingham

Barack Ferrazzano

Bartlit Beck

so-called white collar exemptions for overtime pay. Here are four key questions experts have as the dust settles from the bombshell ruling. [Read more »](#)

Anti-Trump Site's Users Seek To Quash DOJ Info Demand

A trio of anonymous internet users who interacted with an anti-Trump protest site pushed a D.C. judge Friday to allow them to join the fight against the federal government's bid to obtain data on some users, arguing that the demand undermines their First Amendment right to read and speak anonymously. [Read more »](#)

Gov't Rips Challenge To Trump's 2-For-1 Regulation Order

The federal government Thursday slammed an effort by advocacy groups to overturn President Donald Trump's executive order mandating that federal agencies repeal two rules for each new one, telling a D.C. federal judge the suit fails to identify an injury to the groups. [Read more »](#)

Trump Admin. To Announce DACA Decision On Tuesday

The Trump administration will announce its decision on the Deferred Action For Childhood Arrivals program on Tuesday, the White House press secretary confirmed Friday, leaving the fate of the popular deportation relief program for young immigrants up in the air until after the holiday weekend. [Read more »](#)

BANKING & SECURITIES

Fed OKs Qualified Financial Contracts Rule For Big Banks

The governors of the Federal Reserve voted Friday morning to approve a new rule meant to prevent a stampede of defaults on derivative and swap contracts if a massive bank that

Bracewell
Buckley Sandler
Cohen Milstein
Covington & Burling
Crowell & Moring
DLA Piper
Davis Wright Tremaine
Day Pitney
Earthjustice
Epstein Becker Green
Gerard Fox Law PC
Gibson Dunn
Goodwin
Greenbaum Rowe
Hinshaw & Culbertson
Hogan Lovells
Hughes Socol
Husch Blackwell
Irell & Manella
Jones Day
Kellogg Hansen
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Klafter Olsen
Kobre & Kim
Latham & Watkins
Linklaters
Locke Lord
Manatt Phelps
Mayer Brown
McCarter & English
McDermott Will
Morgan Lewis
Motley Rice
Munger Tolles
Nixon Peabody
Norton Rose Fulbright

anchors the global financial system goes under. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Venezuela Sanctions Boost Legal Risks For Energy Cos.

While tighter U.S. sanctions recently imposed on Venezuelan President Nicolás Maduro's regime largely spare the country's oil and gas sector, experts caution that new restrictions on Venezuelan debt deals could jeopardize ongoing development agreements between foreign energy companies and Venezuela and ultimately force them into litigation. [Read more »](#)

DC Circ. Won't Reconsider EPA Effluent Data Ruling

The D.C. Circuit on Friday rejected environmental groups' request for en banc review of a panel decision allowing the U.S. Environmental Protection Agency to withhold data on power plant wastewater discharges. [Read more »](#)

EPA Can't Dodge Del. Smog Plan Deadline

A California federal judge on Thursday rejected the Trump administration's bid to gain extra time to decide whether to approve or reject Delaware's plan to deal with smog. [Read more »](#)

HEALTH & LIFE SCIENCES

HHS Seeks Another Delay Of 340B Drug Price Ceilings

The U.S. Department of Health and Human Services has again proposed delaying the implementation of a final rule that would establish drug price ceilings and fine drugmakers that knowingly charge more than the established price ceiling for products

O'Melveny & Myers

Ogletree Deakins

Patterson Belknap

Pillsbury Winthrop

Proskauer Rose

Pullman & Comley

Quinn Emanuel

Riley Safer

Robins Kaplan

Robinson & Cole

Ropes & Gray

Saul Ewing

Sayles Werbner

Schiff Hardin

Schulte Roth

Sedgwick LLP

Seyfarth Shaw

Shook Hardy

Sidley Austin

Skadden

Sterne Kessler

Stoel Rives

Stroock & Stroock

Sullivan & Cromwell

Weil Gotshal

WilmerHale

COMPANIES

AT&T Inc.

ATS Corporation

Alliance Defending Freedom

Allstate Corporation

American Civil Liberties Union

American International Group Inc.

Apple Inc.

Association of State and Territorial Health Officials

Assurant Inc.

Bank of America Corporation

purchased through the 340B Drug Pricing Program. [Read more »](#)

Get 'Ultra-High Dose' Opioids Off Market, FDA Is Urged

The U.S. Food and Drug Administration should work to remove excessively high-dose opioids from the market given the dangers associated with them, health officials and other advocates have urged the agency in a citizen petition. [Read more »](#)

Judge Won't Halt Menendez Trial On Voting Days

A New Jersey federal judge has denied Sen. Bob Menendez's second bid to adjourn his upcoming corruption trial on certain days to allow him to participate in critical votes on Capitol Hill, ruling Thursday that Menendez will be treated like "any other criminal defendant." [Read more »](#)

HOSPITALITY

Speech Rights Outweigh Bias Law, Cake Baker Tells Justices

A Christian baker's First Amendment rights allowed him to refuse to create a wedding cake for a same-sex couple, the U.S. Supreme Court heard Thursday in a briefing that kicks off a momentous civil rights case. [Read more »](#)

EMPLOYMENT

Full 7th Circ. Won't Weigh Wisconsin Right-To-Work Law

The full Seventh Circuit will not weigh a recently upheld Wisconsin right-to-work law prohibiting agreements that require union membership as a condition of employment and mandate "fair share fees" from nonmembers, according to a Friday order. [Read more »](#)

Ala. Can't Dodge NAACP's Suit Over At-Large Judgeships

Berkeley Research Group
CITGO Petroleum Corp.
CTIA
Caterpillar Inc.
Center for Biological Diversity Inc.
Chevron Corporation
Citigroup Inc.
Communications Workers of America
Deutsche Bank AG
FedEx Corporation
Goldman Sachs Group Inc.
Google Inc.
Information Technology Industry Council
International Swaps and Derivatives Association
International Union Of Operating Engineers
JPMorgan Chase & Co.
Lawyers' Committee for Civil Rights Under Law
Lehman Brothers Holdings Inc.
LinkedIn Corp.
Lockheed Martin
Marketo Inc.
Marsh & McLennan Companies Inc.
McDermott International Inc.
Morgan Stanley
National Rural Electric Cooperative Association
Natural Resources Defense Council
OneAmerica Financial Partners Inc.
Public Citizen Inc.
Public Knowledge
Purdue Pharma LP
Securus Technologies Inc.
Sierra Club

An Alabama federal judge on Thursday refused to toss the NAACP's suit claiming the state's practice of electing appellate judges at large unfairly discriminates against the black vote, ruling the 11th Amendment doesn't immunize the state from suits by private plaintiffs. [Read more »](#)

GOVERNMENT CONTRACTS

CBP Awards Deals For Border Wall Prototype Construction

U.S. Customs and Border Protection has awarded four contracts to produce wall prototypes for the pending southern border wall project, it announced Thursday, a significant step toward fulfilling one of President Donald Trump's most prominent campaign promises. [Read more »](#)

AEROSPACE & DEFENSE

Jordan Asks Justices To End Terror Suits Against Arab Bank

The kingdom of Jordan, its central bank and former U.S. diplomats have urged the U.S. Supreme Court to free Arab Bank PLC from suits accusing it of financing terrorism, saying the Alien Tort Statute can't be used to go after corporations with barely any ties to the United States. [Read more »](#)

INTERNATIONAL TRADE

Azevedo Challenges WTO Members To Break New Ground

World Trade Organization Director-General Roberto Azevedo on Friday stressed the need for members to reach agreement on an ambitious set of issues at their upcoming ministerial conference, putting pressure on leading governments to fully commit to trade liberalization. [Read more »](#)

UK Brexit Negotiator Brushes Off EU Trade Talks Criticism

Snap Inc.
State Street Corp.
Sterling Construction Company Inc
TechnipFMC PLC
The Bank of New York Mellon Corporation
The Cato Corporation
The Walt Disney Company
U.S. Chamber of Commerce
Wells Fargo & Co.

GOVERNMENT AGENCIES
Bureau of Labor Statistics
Centers for Disease Control and Prevention
Equal Employment Opportunity Commission
European Union
Executive Office for Immigration Review
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Emergency Management Agency
Federal Reserve System
Financial Crimes Enforcement Network
Food and Drug Administration
Government Accountability Office
Health Resources and Services Administration
Internal Revenue Service
National Economic Council
National Labor Relations Board
Office of Foreign Assets Control
Securities and Exchange Commission
U.S. Attorney's Office

The United Kingdom's chief Brexit negotiator said Friday that he was optimistic about free and open trade agreements that avoid protectionist measures following the country's exit from the European Union, a show of confidence in the face of criticism from his EU counterpart that the U.K.'s expectations are "impossible." [Read more »](#)

TAX

Paul, Others Seek 6th Circ. Rehearing For FATCA Challenge

Sen. Rand Paul, R-Ky., and others urged the full Sixth Circuit to revive their challenge to the Foreign Account Tax Compliance Act on Thursday, arguing that a previous panel was too strict in denying they had suffered harms sufficient to be able to challenge the law. [Read more »](#)

IMMIGRATION

Immigration Case Backlog Still Growing, But Less Rapidly

The backlog of immigration cases continues to mount under the Trump administration, with a record 617,527 cases pending as of the end of July, though the still-precipitous growth rate has slowed somewhat amid a prolonged immigration judge hiring spree, according to data from Syracuse University researchers announced Thursday. [Read more »](#)

Law Scholars Back Chicago In Sanctuary City Fight With DOJ

A group of legal scholars joined a growing coalition backing Chicago's effort to halt the Trump administration's efforts to require "sanctuary cities" to aid federal immigration authorities as a condition to receiving a law enforcement grant. [Read more »](#)

TELECOMMUNICATIONS

[U.S. Customs and Border Protection](#)

[U.S. Department of Health and Human Services](#)

[U.S. Department of Homeland Security](#)

[U.S. Department of Housing and Urban Development](#)

[U.S. Department of Justice](#)

[U.S. Department of Labor](#)

[U.S. Department of Veterans Affairs](#)

[U.S. Department of the Interior](#)

[U.S. Department of the Treasury](#)

[U.S. Environmental Protection Agency](#)

[U.S. Patent and Trademark Office](#)

[U.S. Supreme Court](#)

[Wage and Hour Division](#)

[Wisconsin Department of Justice](#)

[World Trade Organization](#)

Don't Apply Chevron To Inmate Calls Decision, DC Circ. Told

Inmate calling companies, local sheriff's departments and the Federal Communications Commission all urged the D.C. Circuit on Thursday to leave intact its ruling that limited the FCC's authority to regulate in-state prison calls, arguing that the appeals court is not obligated to defer to agency precedent. Read more »

Austin Won't Block Texas 5G Equipment Regulations

A Texas federal judge declined to issue a preliminary injunction that would block a state law imposing new standards on telecommunications companies seeking to install certain pieces of 5G wireless equipment as part of a challenge brought by the city of Austin, finding Thursday that the city has not demonstrated a likelihood of success in its claims. Read more »

FCC Urged To Extend Comment Period On Mobile Broadband

A dozen U.S. senators and several media organizations have separately urged the Federal Communications Commission to extend the comment period on upcoming changes to agency policy on mobile broadband's replacement of fixed broadband, saying more time is needed to consider the issue. Read more »

AT&T Lobbies For 'Safe Harbor' In Robocall Policy

AT&T Inc. recently spoke up in support of a so-called safe harbor provision in robocall crackdown measures that the Federal Communications Commission is considering, telling the agency in a Thursday ex parte filing that service providers should be given credit for their good-faith efforts. Read more »

EXPERT ANALYSIS

Congressional Forecast: September

With apologies to T.S. Eliot, September is looking to be the cruellest month. This work period will be a critical test for the president and Republican majority in Congress, as members return to face a daunting workload of time-sensitive legislation and only three weeks to get it all done, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

[Read more »](#)

New Flexibility Comes To REIT Earnings Distribution

New IRS guidance will allow real estate investment trusts and regulated investment companies that would like to issue 80/20 stock/cash dividends to avoid the filing fee, drafting expense and approximately six-month delay associated with obtaining a private letter ruling, say Sarah Beth Rizzo and David Polster of Skadden Arps Slate Meagher & Flom LLP.

[Read more »](#)

Insurers May Be Stuck Between Rock And A Hard Place: Part 2

In *National Fair Housing Alliance v. Travelers*, a D.C. federal court ruled that insurers can be held liable under the Fair Housing Act for the disparate impact of someone else's conduct. For the moment, it appears that insurers must try to adhere to two incompatible visions of how to address inequality, says Robert Helfand of Pullman & Comley LLC in the final part of this article. [Read more »](#)

LEGAL INDUSTRY

Should Law Firms Stop Aging Themselves?

Tracing a law firm's history to its earliest possible predecessor is a near-ubiquitous practice in BigLaw, but some firms have opted to restart the clock or to largely erase age-identifying materials from their websites to project a more forward-looking culture to

clients. For some, the approach may be paying off. [Read more](#) » 2

Judge Posner Stepping Down After 36 Years At 7th Circ.

U.S. Circuit Judge Richard A. Posner, one of the most prolific and influential legal thinkers of the past half-century, retired from the Seventh Circuit on Saturday, the court announced..

[Read more](#) »

The Prolific Pragmatist: Judge Richard Posner

Seventh Circuit Judge Richard Posner retired Saturday. Law360 first ran this profile of Judge Posner in March 2014. [Read more](#) »

The Top In-House Hires Of August

August's notable legal department appointments include a new general counsel at the company behind the popular app Snapchat, internal promotions at FedEx and JCPenny and a lawyer who rose through the ranks of his company — from summer intern to senior vice-president and general counsel. [Read more](#) »

Legal Industry Sees Little Job Growth In August

The legal services sector bumped up slightly in August with the addition of 100 jobs, the Bureau of Labor Statistics reported Friday, but the increase did not do much to erase employment losses of more than 4,000 experienced in July. [Read more](#) »

GC Cheat Sheet: The Hottest Corporate News Of The Week

An Obama administration rule that expanded overtime eligibility was struck down in Texas federal court, an Irell & Manella LLP patent litigator has been nominated to lead the U.S. Patent and Trademark Office and a group backed by major U.S. companies came out against a proposal to tax overseas profits. These are some of the top stories in corporate

legal news you may have missed last week.
[Read more »](#)

Legal Recruiter Wins \$335K From Manatt Over Partner Hires

A Los Angeles jury on Thursday ordered Manatt Phelps & Phillips LLP to pay \$335,000 to a legal recruiter for breaching an oral contract related to the hiring of Buckley Sandler LLP financial services partner Donna Wilson and a three-person team that was brought on along with her in 2013. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

Podcast

Law360's Pro Say: Should You Read Posner's New Book?

Hot on the heels of Judge Richard Posner's retirement, on this week's episode of Law360's Pro Say podcast a Nebraska federal judge and self proclaimed "Posner groupie" stops by to tell us if it is worth picking up Posner's latest book about the federal judiciary. We'll also take a look at lawsuits challenging Trump's transgender military ban and Subway's woes over too-small sandwiches. [Read more »](#)

JOBS

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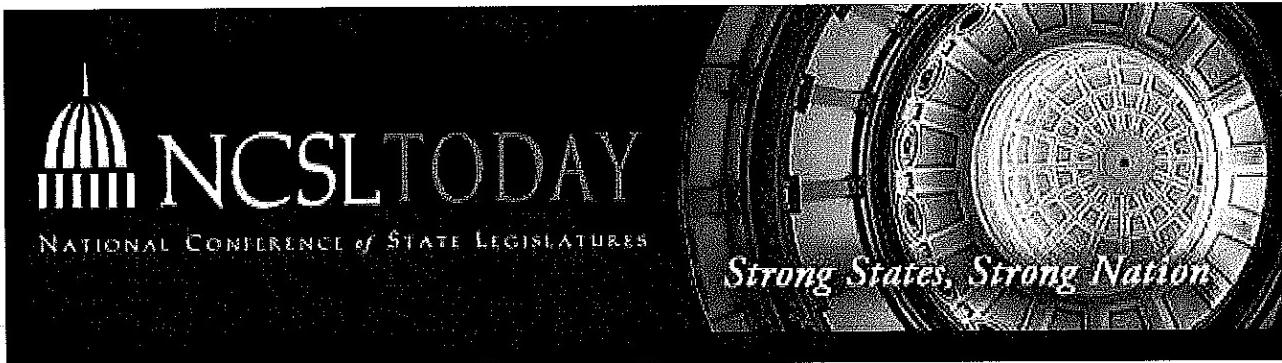
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TOP NEWS Sept. 7, 2017

15 states, D.C., sue Trump administration over ending DACA

Associated Press

Fifteen states and the District of Columbia sued the U.S. government Wednesday to block President Donald Trump's plan to end protection against deportation for young immigrants who New York's attorney general labeled the "best of America."

Washington state to test pay-by-the-mile as way to fund highways

Seattle Times

As cars get more fuel-efficient, gas-tax revenues won't nearly keep up with the costs of highway work that those taxes fund. Washington is launching a pilot project to test a new way of funding roads — a tax on every mile you drive.

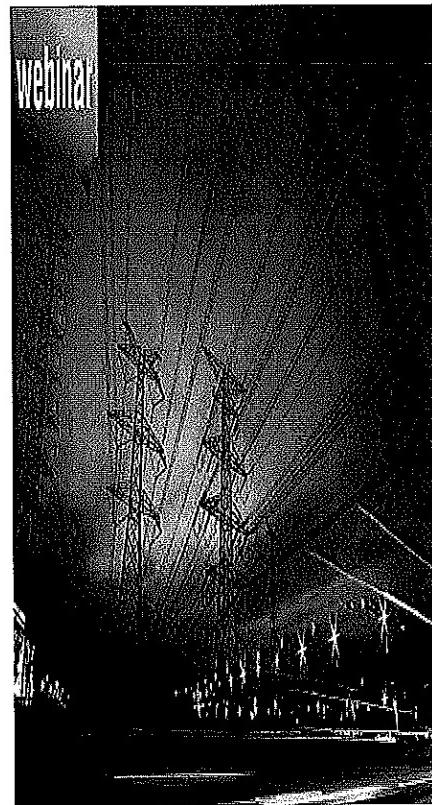
Postal service wants big jump in stamp pricing

Associated Press

A 60 cent postage stamp? The U.S. Postal Service would have to boost prices for mailing letters and packages by nearly 20 percent — the biggest one-time increase in its history — to avoid bankruptcy and improve delivery service, an industry analysis says. **NCSL's Wendy Underhill** quoted.

Missouri lawmakers prepare to spar again over charter school expansion

St. Louis Post-Dispatch



FEATURED

Webinar Sept. 14: Planning for the evolving electric grid

As more energy customers become energy producers—implementing rooftop solar, energy storage, and smart devices to manage their energy use—the distribution grid is rapidly becoming insufficient, as are the policies that govern it.

NEW @ NCSL

In a hearing scheduled for next week, members of a House and Senate panel are scheduled to discuss the possibility of bringing school choice to other parts of the state. Currently, charter schools are limited to St. Louis and Kansas City.

Wisconsin lawmakers approve business tax cut, more money for school vouchers

Milwaukee Journal Sentinel

Republicans broke a more than two-month budget stalemate Wednesday, approving a property tax cut for businesses, more money for voucher school students with special needs and a new framework for regulating room rentals through websites like Airbnb.

Harvey has made Houston more immigrant-friendly, but for how long?

Governing

Although the disaster spurred federal, state and local authorities to put immigration enforcement on pause, many undocumented people are still fearful and likely to be left behind in the recovery.

State Legislatures magazine: The nuclear option (s)

Capitol to Capitol: 'Big week coming up'

Allowing purchases of out-of-state health insurance

BLOG

Could occupational licensing slow recovery from Hurricane Harvey?

Hurricane Harvey may be over, but the recovery in Texas has just begun. In the short term, this means food, water, transportation and medical care, but the long journey to restoring normalcy will require reconstruction of buildings and repairing or replacing damaged electrical, plumbing and ventilation systems.



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Subject: Trump Administration Backs 'Last Chance' ACA Repeal Bill



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PUBLIC POLICY

What Do You Think About 3rd Party Litigation Funding?

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Wednesday, September 20, 2017



TOP NEWS

Trump Administration Backs 'Last Chance' ACA Repeal Bill

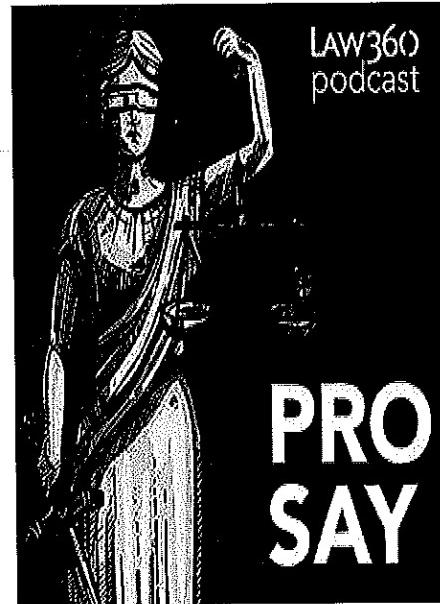
The White House started a public push for the latest Affordable Care Act repeal bill Tuesday as the Senate dropped bipartisan reform efforts. [Read more »](#)

Analysis

'Corporate Integration' Plan May Be Part Of Tax Reform Talks

The top-secret tax reform meetings between congressional leaders and administration officials may include proposals to integrate corporate and individual income tax laws to prevent double taxation of corporate income — an idea corporations may be ambivalent about, even if it reduces their tax burden, as it could create pressure to make more shareholder distributions. [Read more »](#)

FTC Chief Says Real Consumer Harms Must Guide Cases



[Listen to our new podcast here](#)

LAW FIRMS

Akerman

Arnold & Porter Kaye Scholer

Baker Donelson

Federal Trade Commission acting Chairman Maureen K. Ohlhausen said Tuesday that the agency should focus on "substantial consumer injury" when deciding which cases to pursue, including when considering "informational injury" of the kind caused in consumer and privacy cases. [Read more »](#)

Senate Approves Trump's Solicitor General Pick

The Senate approved President Donald Trump's pick for his top U.S. Supreme Court advocate Tuesday, confirming onetime Jones Day partner Noel Francisco as solicitor general. [Read more »](#)

Analysis

3 Takeaways From The Sanctuary City Grant Criteria Ruling

The Trump administration suffered another setback in its battle against so-called sanctuary cities last week, when an Illinois federal judge blocked two immigration-related conditions on certain public safety grants. Here, Law360 looks at three big takeaways from the ruling.

[Read more »](#)

EEOC Noms Stress Negotiation, Guidance At Senate Hearing

Nominees to fill two Equal Employment Opportunity Commission vacancies said they would emphasize guidance and negotiation over lawsuits at a largely collegial Senate confirmation hearing Tuesday, but would not commit to standing by the agency's stance that Title VII bars employers from discriminating against the LGBTQ community. [Read more »](#)

BANKING & SECURITIES

Analysis

EU's Bid For A Global Investment Court Won't Come Easy

The European Union is taking its landmark investment arbitration reform effort global with a formal bid to launch talks for a multilateral

Baker McKenzie
Becker & Poliakoff
Blank Rome
Bull Housser
Caplin & Drysdale
Debevoise & Plimpton
Fluet Huber
Gibson Dunn
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Jones Day
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Previant Law Firm
Quinn Emanuel
Ropes & Gray
Saul Ewing
Sidley Austin
Skadden
Squire Patton Boggs
Stoel Rives
Weil Gotshal
COMPANIES
AARP Inc.
AIXTRON SE
Allegis Group
Amazon.com Inc.
American Bar Association
American Federation of Labor and Congress of Industrial Organizations
American Immigration Council

investment court, but resistance from investors and a lack of clarity about political momentum suggests a long and contentious path for Brussels. [Read more »](#)

Dodd-Frank Rollbacks May Lead To Bank Failures, Panel Says

A panel of former top financial regulators, policymakers and academics warned the Trump administration on Tuesday that some of the recommendations it's made for rolling back bank rules under Dodd-Frank and other laws could make it harder to prevent the collapse of global financial firms and mitigate the damage. [Read more »](#)

CFPB Missed Chance To Punish Wells Fargo: House Repubs

House Republicans on Tuesday said that the Consumer Financial Protection Bureau passed on the chance to fine Wells Fargo & Co. at least \$10 billion and investigate additional fraudulent account generation when the bureau entered into a settlement with the bank last year. [Read more »](#)

ENERGY & ENVIRONMENTAL

Senate Panel Advances Key Energy Noms

The U.S. Senate Committee on Energy and Natural Resources on Tuesday advanced the nominations of two Federal Energy Regulatory Commissioners, including President Donald Trump's pick to lead the agency, as well as the Department of the Interior's land and minerals management boss and its solicitor, and the Department of Energy's top lawyer. [Read more »](#)

Trump EPA Nominee Set To Argue Against Silica Rules

President Trump's nominee to serve as the U.S. Environmental Protection Agency's assistant administrator of air and radiation, currently a Hunton & Williams partner, is

Bridge Capital Holdings
Cable News Network Inc.

Center for Biological Diversity Inc.
Center on Budget and Policy

Priorities

Citigroup Inc.

Deloitte Touche

Equifax Inc.

Facebook

Fairchild Semiconductor Corporation

Federal Communications Bar Association

GSR Ventures Management Co. Ltd.

Global Eagle Entertainment Inc.

Google Inc.

International Association of Machinists and Aerospace Workers

KPMG International

Lattice Semiconductor Corporation

Lucas Group

Lumileds Holding BV

Melaleuca Inc.

Netflix Inc.

Northeastern University

PhRMA

PricewaterhouseCoopers

Sierra Club

Tax Foundation

United Steelworkers

Waddell & Reed Financial Inc

Wells Fargo & Co.

eBay Inc.

GOVERNMENT AGENCIES

Bank of England

Bureau of Citizenship and Immigration Services

scheduled to argue before the D.C. Circuit against new rules reducing silica exposure in the construction industry, a Tuesday docket entry revealed. [Read more »](#)

Sierra Club Sues EPA Over 'Unprecedented' FOIA Delays

The Sierra Club is suing the U.S. Environmental Protection Agency in D.C. federal court for stonewalling multiple Freedom of Information Act requests, in what the environmental group calls an "unprecedented" pattern of obstruction and unresponsiveness at the agency. [Read more »](#)

HEALTH & LIFE SCIENCES

Analysis

Mass. Opioid Substitution Law A Nice Idea, But Falls Short

A 2014 Massachusetts law requiring pharmacists to substitute abuse-deterrent opioids for their standard counterparts is set to go into effect relatively soon, but growing doubts about the benefits of these drugs mean the law may not help much in fighting the opioid crisis, experts say. [Read more »](#)

Pa. AG Touts Efforts Regarding Trump, Equifax, Opioid Makers

Pennsylvania Attorney General Josh Shapiro on Tuesday outlined the broad activist agenda he has been pursuing since taking over the scandal-plagued office in January, touting his readiness to confront the Trump administration and the state's role at the lead of several multistate investigations into corporate malfeasance. [Read more »](#)

'Smears' Evidence Not Allowed In Menendez Trial, Judge Says

The New Jersey federal judge presiding over the bribery trial of Sen. Bob Menendez and a Florida ophthalmologist denied a defense bid Tuesday to let jurors see parts of public statements where the senator denied

Congressional Budget Office
Consumer Financial Protection Bureau
Defense Nuclear Facilities Safety Board
Equal Employment Opportunity Commission
European Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Illinois Department of Revenue
Illinois Supreme Court
Internal Revenue Service
International Monetary Fund
NAFTA
National Economic Council
National Labor Relations Board
National Nuclear Security Administration
National Railroad Passenger Corporation
Occupational Safety and Health Administration
Office of Justice Programs
Office of the Comptroller of the Currency
Securities and Exchange Commission
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Energy

allegations that he had engaged with prostitutes, saying such material is irrelevant.
[Read more »](#)

REAL ESTATE

Analysis

Fla. Building Code Improvements A Bright Spot During Irma

With its impact felt from Key West to Jacksonville, Hurricane Irma delivered Florida a mighty blow, but building industry experts say the storm's destruction would have been much worse if not for stronger building codes and regulations enacted after the devastation of Hurricane Andrew 25 years ago. [Read more »](#)

EMPLOYMENT

Wis. Appeals Court OKs 'Right-To-Work' Law

A Wisconsin state appeals court overturned a lower court ruling that nullified the state's so-called right-to-work law Tuesday, saying that blocking employers from making workers pay dues as a condition of employment is not "taking" union property under the Wisconsin Constitution. [Read more »](#)

Lawmakers Urge Trump To Fight Unfair Labor Practices

Four Democratic legislators on Tuesday urged the Trump administration to work on countering foreign labor practices they say cost U.S. jobs and undercut American workers. [Read more »](#)

AEROSPACE & DEFENSE

DOD Issues Interim Guidance On Transgender Service

U.S. military service members will no longer be eligible to undergo gender reassignment surgery after March 2018, according to interim guidance from Defense Secretary Jim Mattis to Department of Defense officials amid a policy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Navy

U.S. Senate

U.S. Supreme Court

United Nations

Wisconsin Department of Justice

World Bank Group

review for implementation of President Donald Trump's order of a renewed ban on transgender service members. [Read more »](#)

GOP Lawmaker Applauds Trump's Defense Spending Plug

Texas Republican Mac Thornberry on Tuesday cheered President Donald Trump's shout-out to congressional efforts to boost defense spending up to \$700 billion, saying the increase is needed to rebuild U.S. defense capabilities. [Read more »](#)

TAX

Analysis

Territorial Tax Proposal Leaves Many Open Questions

Most tax practitioners and congressional leaders predict tax reform will shift toward a territorial system in which companies are taxed only on their U.S. source income, but the specifics — and their impact on multinational companies — remain a huge area of uncertainty. [Read more »](#)

Inversions To Cost US \$12B By 2027, CBO Says

The continued use of corporate inversions and profit shifting by multinational companies will result in a 2.5 percent decrease in U.S. corporate tax receipts by 2027, the Congressional Budget Office said Monday. [Read more »](#)

III. Fights To Keep Citibank From Seeking \$1.6M Tax Refund

In a last-ditch effort Tuesday, the Illinois Department of Revenue argued to the state's Supreme Court that credit card companies should not be eligible to seek tax refunds under Illinois law, something lenders like Citibank dispute in the bank's quest to get a \$1.6 million refund from the state. [Read more »](#)

Ex-CEO Can't Claim \$40M Loss Deduction, Tax Court Says

The U.S. Tax Court on Monday upheld the IRS's decision to deny a nearly \$40 million deduction that a former investment firm CEO had sought based on losses from foreign currency trades, finding that the losses had been artificially generated "by gaming the tax code." [Read more »](#)

IMMIGRATION

Calif., NY Move On Protections For Immigrants

California and New York in recent days enacted various protections for immigrants through legislation and an executive order, with lawmakers saying they are acting in response to the Trump administration's policies. [Read more »](#)

Hawaii Tells Justices Travel Ban 'Masked' In 'Sheep's Clothing'

Hawaii has urged the U.S. Supreme Court to do away with the Trump administration's travel ban for nationals of six predominantly Muslim countries, saying the president has used his "claim of absolute authority" to carry out a ban that's "clumsily masked in an article or two of sheep's clothing." [Read more »](#)

VC Group Sues Over Delay Of Entrepreneur Immigration Rule

The National Venture Capital Association filed a lawsuit Tuesday alleging the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services failed to follow proper procedures when they delayed a rule that would have allowed foreign entrepreneurs to live in the U.S. just a week before it was set to take hold. [Read more »](#)

TELECOMMUNICATIONS

Free Internet Advocates Criticize Sex Trafficking Bill

Internet advocates urged lawmakers to reconsider a controversial anti-sex trafficking bill that would hold tech companies accountable for not doing enough to combat child sex trafficking facilitation on their sites, arguing that it would stifle innovation, in a Senate hearing Tuesday. [Read more »](#)

EXPERT ANALYSIS

As Medical Food Industry Grows, So May FDA Scrutiny

An important regulatory advantage enjoyed by "medical food" products is the ability to make affirmative claims that a particular medical food may assist in treatment or management of a disease condition. But the category is poised to attract increased attention from the U.S. Food and Drug Administration, says Kyle Diamantais of Baker Donelson Bearman Caldwell & Berkowitz PC. [Read more »](#)

CFIUS Continues To Present Obstacle To Chinese Acquisitions

Although presidential intervention to block a planned acquisition is relatively rare, President Donald Trump's executive order last week blocking Canyon from acquiring Lattice was not especially surprising in light of recent precedent, the cautious approach of the Committee on Foreign Investment in the United States, and public statements by the Trump administration regarding China, say attorneys with Ropes & Gray LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

Why Firms Are Throwing Money At Associate Retention

Quinn Emanuel's recent decision to pass out bonuses to high-billing associates who remain loyal to the law firm reflects and exemplifies a changing legal marketplace where mid-level attorneys are increasingly difficult to retain and

the goals of young lawyers are in flux. Read more »

White Men Get Biggest Pay Bump From Law Degrees

A law degree offers a springboard to a higher salary for all graduates, but research out Tuesday reveals that springboard is more powerful for white graduates than minorities and launches men farther than women. Read more »

Hogan Lovells Shrinks In UK, Offers US Staff Early Retirement

Hogan Lovells invited 400 of its U.S. business services staff to opt for early retirement Monday and eliminated 90 staff positions from the global law firm's London office, moving many to low-cost hubs outside the city. Read more »

Gibson Dunn Trims Ex-Billing Workers' Discrimination Suit

A California judge on Tuesday tentatively trimmed three Fair Employment and Housing Act claims from a lawsuit alleging Gibson Dunn & Crutcher LLP maintains a hostile work environment for older workers in its billing department, but refused to throw out an intentional infliction of emotional distress claim. Read more »

Global 20: Norton Rose Fulbright

Norton Rose Fulbright continued to expand its global presence in the past year while playing a key role in groundbreaking mining projects in Guinea, helping land the firm on Law360's Global 20 list. Read more »

Series

My Supreme Court Debut: A 1st Time For Everything

My first argument before the U.S. Supreme Court was unusual in that it was also my first argument in any court of any kind, says

Lindsay Harrison of Jenner & Block LLP. Read more »

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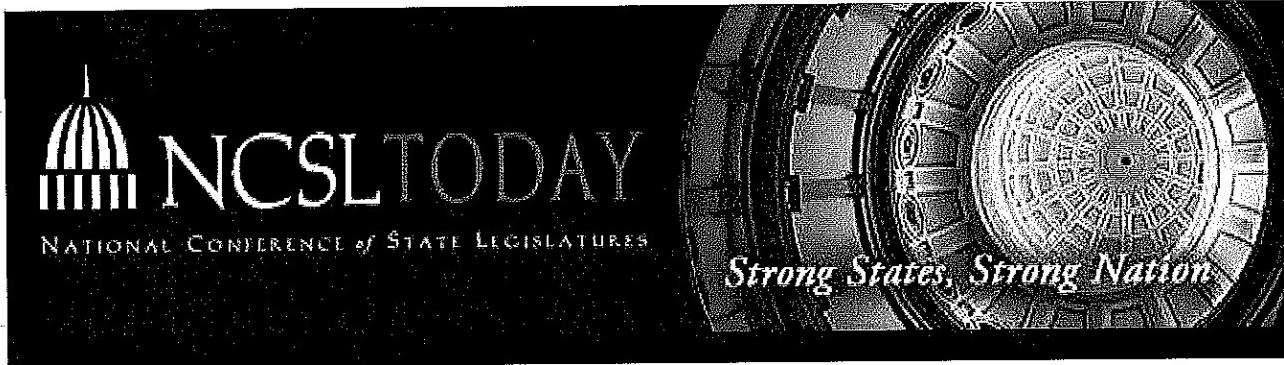
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TOP NEWS Sept. 20, 2017

States take action to combat child abuse

Stateline

Spurred by high-profile cases of endangered children and chronically overworked caseworkers, many states have taken steps this year to shield children from abuse and neglect, including adding caseworkers, tightening reporting requirements and expanding the definition of "abuse."

NCSL resources on state strategies to prevent child injuries and abuse.

Massachusetts attorney general sues Equifax over data hack

CNBC

Massachusetts Attorney General Maura Healey filed a lawsuit on Tuesday against credit reporting firm Equifax following a breach that exposed the personal data of as many as 143 million people, including 3 million in the state.

States face fiscal challenges as Congress weighs tax reform

The Hill

State governments are likely to face a new round of budget cuts and belt-tightening as revenue growth slows, due in part to uncertainty over whether Congress will reform the federal tax code.

Wisconsin appeals court upholds 'right-to-work' law, dealing blow to unions

Milwaukee Journal Sentinel



FEATURED

Preventing child and adolescent injuries and violence

As more evidence becomes available about the long-lasting effects of early harmful events—including their personal and financial impacts—policymakers are increasingly exploring whether states have a role in preventing and mitigating such experiences.

GOP Gov. Scott Walker and Republican lawmakers in 2015 approved the law, which prohibits labor contracts that require all workers in certain job classifications — including those who don't want to belong to a union — to pay union fees.

NCSL right-to-work resources.

Tennessee reinstates work requirements for food stamp recipients

Nashville Tennessean

Tennessee Gov. Bill Haslam and administration officials today announced plans to reinstate federal work requirements for "able-bodied" adults without dependents for eligibility in the federal food stamp program.

The next big technology to transform government

Governing

It's called blockchain. Some say it will have a bigger impact than the internet.

IN THE NEWS

State efforts promote hybrid and electric vehicles

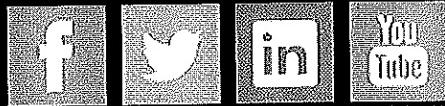
Register now for the NCSL Capitol Forum Dec. 10-13 in Coronado, Calif.

Capitol to Capitol: One last attempt to repeal Obamacare

BLOG

National Voter Registration Day is fast-approaching

Given that voting is the foundation of the American republic, it is fitting that we will soon celebrate National Voter Registration Day on Sept. 26.



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PUBLIC POLICY

What Do You Think About 3rd Party Litigation Funding?

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Thursday, September 21, 2017



TOP NEWS

Senate To Vote On ACA Repeal As Insurers Balk

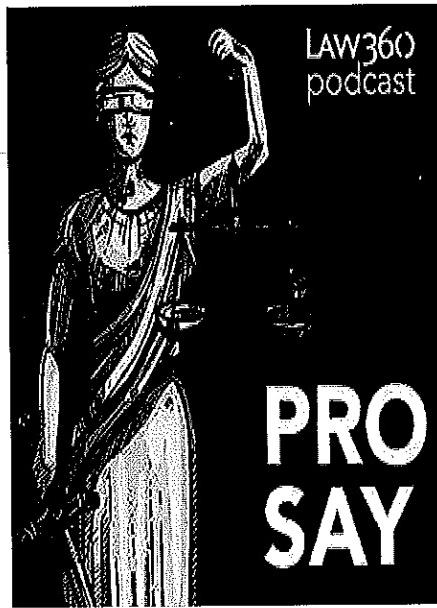
The Senate is set to vote next week on the contentious Affordable Care Act repeal measure, a leadership aide said Wednesday, as more groups came out against the embattled legislation. [Read more »](#)

Trump's 10th Circ. Pick Grilled Over Colo. High Court Dissents

President Donald Trump's nominee for the Tenth Circuit faced down questions from a Senate panel on Wednesday ranging from her stance on state power to employment law. [Read more »](#)

Yellen Says Fed Looking At Potential Wells Fargo Sanctions

Federal Reserve Chair Janet Yellen on Wednesday warned that the central bank was looking closely at taking actions against Wells Fargo & Co. for its "egregious and



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Ashurst LLP

unacceptable" sales practices and other problems. [Read more »](#)

Coy On Details, Trump Makes Decision On Iran Nuke Deal

U.S. President Donald Trump said Wednesday he has decided whether to recertify Iran's compliance with a 2015 nuclear deal, as Iranian President Hassan Rouhani blasted him for his "hateful rhetoric" regarding the deal and, more broadly, Iran. [Read more »](#)

CFPB Moves To Protect Borrower Info Under Mortgage Law

The Consumer Financial Protection Bureau on Wednesday proposed changes to the information that lenders will have to provide under a mortgage disclosure law in a bid to protect the identities of borrowers [Read more »](#)

Worker, Voting Rights Dominate Panel On Trump Judge Picks

Questions on criminal representation, employment issues and voting maps dominated a Senate Judiciary Committee hearing for four of President Donald Trump's picks for federal judicial vacancies Wednesday, including a pair of BigLaw partners. [Read more »](#)

BANKING & SECURITIES

After Nev. HOA Foreclosures Hobbled, Deutsche Prods Suit

Deutsche Bank asked a Nevada federal judge Tuesday to restart its suit accusing a homeowners association of illegally canceling a mortgage the bank was owed, saying the U.S. Supreme Court's effective death knell to such foreclosures clears the way for the case to continue. [Read more »](#)

ENERGY & ENVIRONMENTAL

States Sue DOT Over Greenhouse Gas Measure Delays

Baker Donelson
Ballard Spahr
Barry Corrado & Grassi
Carroll Burdick
Cleary Gottlieb
Eversheds Sutherland
Foran Glennon
Freshfields
Greenbaum Rowe
Greenberg Traurig
Hogan Lovells
Kobre & Kim
Linklaters
McDermott Will
Norton Rose Fulbright
Ogletree Deakins
Polsinelli
Proskauer Rose
Reed Smith
Ropes & Gray
Sedgwick LLP
Shearman & Sterling
Squire Patton Boggs
Taylor English
Wright Finlay

COMPANIES

AARP Inc.
America's Health Insurance Plans
American Civil Liberties Union
American Immigration Council
American Medical Association Inc.
Anthem Inc.
Bemis Company, Inc.
Blue Cross and Blue Shield Association
Cable News Network Inc.
Center for American Progress
Deutsche Bank AG

Eight states, including California and Massachusetts, accused the U.S. Department of Transportation in California federal court Wednesday of dragging its feet on the implementation of greenhouse gas performance measures for national highways. [Read more »](#)

Fed. Court Can't Hear Oil Well Spat Against Ill., Judge Says

An Illinois district judge on Wednesday tossed an oil well operator and waste transporter's suit against the state's environmental regulator seeking a guarantee it could inject acid into its underground wells without getting fined, saying the 11th Amendment bars a federal court from hearing claims against a state. [Read more »](#)

Feds Must Face Enviro Suit Over Wash. Coastal Runoff

A federal district judge Tuesday allowed a suit from an environmental group that claimed the federal government failed to force Washington state to control pollution runoff in coastal watersheds to move forward, refusing to dismiss most of the claims in the case. [Read more »](#)

HEALTH & LIFE SCIENCES

FBI Agent Says Menendez Did Not Disclose Doctor's Gifts

Sen. Bob Menendez did not report the private jet rides and other gifts provided to him by a Florida ophthalmologist on annual financial disclosure forms as part of what prosecutors say was an effort to conceal their bribery scheme, according to testimony Wednesday at the senator's and doctor's trial. [Read more »](#)

Caution In Mixing Methadone, Benzos Can Reduce Risk: FDA

The U.S. Food and Drug Administration on Wednesday said that doctors shouldn't withhold opioid addiction medications from patients taking drugs that depress the central

Dow Chemical Co.
E. I. du Pont de Nemours and Company (DuPont)
Ernst & Young
Fannie Mae
Federalist Society
Financial Industry Regulatory Authority Inc.
Financial Services Roundtable
Freddie Mac
Google Inc.
Microsoft Corporation
Motorola Solutions Inc.
National Life Holding Co.
National Right to Work Legal Defense Foundation
New York University
Northrop Grumman Corporation
Sierra Club
Symantec Corporation
Wells Fargo & Co.

GOVERNMENT AGENCIES
Army Corps of Engineers
Central Intelligence Agency
Consumer Financial Protection Bureau
Defense Security Service
Department of Commerce
European Union
Federal Bureau of Investigation
Federal Highway Administration
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Illinois Environmental Protection Agency
Indian Arts and Crafts Board

nervous system, such as sleep aids and muscle relaxers, saying that while the combined use of these drugs is risky, opioid addiction is even worse. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Tenn. Residents Seek Class Cert. In Traffic Debt Dispute

Three Tennessee residents on Tuesday asked a federal judge to certify a proposed class and three subclasses of people who allegedly had their driver's licenses unconstitutionally suspended for failing to pay money owed for traffic violations, arguing that nearly 135,000 people currently can't regain driving privileges just because they're poor. [Read more »](#)

EMPLOYMENT

Analysis

DOL's Proposed Fiduciary Rule Delay Draws 131 Comments

The comment period on the U.S. Department of Labor's proposal to delay parts of its fiduciary rule for retirement account advisers closed Friday, with a chorus of industry stakeholders, investor advocates and think tanks weighing in on what freezing key provisions of the rule until July 2019 might mean. Here, Law360 looks at what financial groups, politicians, individuals and others had to say. [Read more »](#)

AEROSPACE & DEFENSE

Analysis

DOD Poised To Take On Bigger Role In Background Checks

Lawmakers are currently considering giving the U.S. Department of Defense direct control over background checks for its own employees and contractors. But even if they don't, the official responsible for background investigations governmentwide told Law360 that the process

Minnesota Department of Transportation
NAFTA
National Economic Council
National Highway Traffic Safety Administration
National Institute of Standards and Technology
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
National Security Agency
National Telecommunications and Information Administration
National Transportation Safety Board
Securities and Exchange Commission
U.S. Census Bureau
U.S. Civilian Board of Contract Appeals
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Immigration and Customs Enforcement
U.S. Office of Personnel Management
U.S. Senate
U.S. Supreme Court

— a perpetual thorn in contractors' side — is likely to change. [Read more »](#)

INTERNATIONAL TRADE

As 3rd NAFTA Negotiation Looms, Calls For Change Pour In

Industry groups and lawmakers like U.S. Sen. Elizabeth Warren have ramped up calls this week for what a new North American Free Trade Agreement should look like, as trade officials from the U.S., Canada and Mexico are set to meet this weekend for a third round of negotiations. [Read more »](#)

TAX

St. Louis Payroll Tax, Development Deals Upheld

The city of St. Louis has the constitutional right to impose payroll taxes and to make special redevelopment deals that are in the public interest, a Missouri appeals court ruled Tuesday. [Read more »](#)

IMMIGRATION

California Sues Over Border Wall Project Waivers

The Trump administration's attempt to waive environmental laws so it can move forward with its border wall project violates the U.S. Constitution and numerous federal and state regulations and should be stopped by a federal court, California argued Wednesday. [Read more »](#)

Migrants Coerced, Denied Rights At US-Mexico Border: Report

The American Immigration Council published a report Wednesday indicating that immigration authorities regularly fail to inform Mexican migrants at the U.S. southern border of their rights, coerce those in custody and neglect to

United Nations
World Trade Organization

supply them with their removal documents when they are deported. [Read more »](#)

NATIVE AMERICAN

NJ AG Must Produce Some Docs In Tribe's Suit: Magistrate

A federal magistrate judge has said that New Jersey has to produce certain documents, including various internal memos, sought by the Nanticoke Lenni-Lenape Tribal Nation in its suit claiming state regulators wrongfully repudiated the tribe's state recognition status.

[Read more »](#)

TELECOMMUNICATIONS

Global Cos. Say Internet Of Things Botnets Threaten All

The world's largest computer companies have called for a global response to the threats that botnets pose to federal networks and other critical infrastructure, arguing that targets vulnerable to hacking threaten the entire digital ecosystem, the federal agency advising the president on telecommunication policies said.

[Read more »](#)

EXPERT ANALYSIS

History Shows Infrastructure Plans Need Better Oversight

History offers many examples of public construction projects marred by cost overruns, delays and catastrophic failures. As major new infrastructure plans are contemplated, government oversight of public works projects must improve, say Robert Epstein and Jacqueline Greenberg Vogt of Greenberg Traurig LLP. [Read more »](#)

Blurring The Line Between Health Care Provider And Payor

Since the passage of the Affordable Care Act, health care providers in markets around the country have started exploring the payor side

of the business by sponsoring health plans. Attorneys with Ropes & Gray LLP examine some of the factors giving rise to this trend and what it might (and might not) mean for health insurance exchanges, smaller providers and the insurance markets generally. [Read more »](#)

Balancing Safety And Innovation In Automated Vehicles

When touting highly automated vehicles, original equipment manufacturers frequently cite the safety benefits. Michael Nelson and Trevor Satnick of Eversheds Sutherland explore how OEMs consider setting their baseline safety metrics for HAVs to determine whether the early adoption of these vehicles is truly as safe a choice as the automotive community claims. [Read more »](#)

What's Next For North Korea Sanctions

On Sept. 11, 2017, in response to North Korea's continued development of an intercontinental ballistic missile program, the U.N. Security Council passed a new round of sanctions. It begs the question of whether sanctions are even effective against the "Hermit Kingdom," says Harry Dixon of Taylor Duma LLP. [Read more »](#)

LEGAL INDUSTRY

Secret Lives Of Lawyers

Sedgwick's Mara Hsiung Takes To The Air

Mara Hsiung often finds a fresh perspective on her insurance cases while hanging from an aerial hoop, spinning through Cirque du Soleil-like feats that have won her national acrobatics awards. Just don't ask her to plan her next routine without Word and Excel. [Read more »](#)

Trump Fed. Judge Pick Says Trans Kid Part Of ‘Satan’s Plan’

A Texas federal judicial nominee referred to a transgender child as evidence of “Satan’s plan,” defended conversion therapy and compared same-sex marriage to marrying a pet or a tree in a 2015 lecture to a group of pastors, a video unearthed Wednesday shows.

[Read more »](#)

Justice Ginsburg Traces Road To ‘Flaming Feminist Litigator’

Justice Ruth Bader Ginsburg told first-year law students in an address Wednesday that she rode the wave of the women’s movement, which in the 1970s was “coming alive all over the world,” as she solidified her reputation as a successful litigator fighting for women’s rights.

[Read more »](#)

Squire Patton Boggs The Latest To Bump UK First-Year Pay

Squire Patton Boggs LLP confirmed on Wednesday that it was joining a flurry of firms raising salaries for their United Kingdom attorneys, boosting salaries for those in London and its regional offices alike. [Read more »](#)

Global 20: Squire Patton Boggs

Squire Patton Boggs continued to demonstrate the dominance of its global platform in recent months, handling cross-border matters involving hundreds of millions of dollars and nabbing high-profile hires such as former Speaker of the House John Boehner to once again land among Law360’s Global 20. [Read more »](#)

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From: Public Policy Law360
Sent: Friday, September 22, 2017 5:20 AM
To: Rep30
Subject: ACA Repeal Would Destabilize Individual Markets, Experts Say



PUBLIC POLICY

What Do You Think About 3rd Party Litigation Funding?

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Friday, September 22, 2017



TOP NEWS

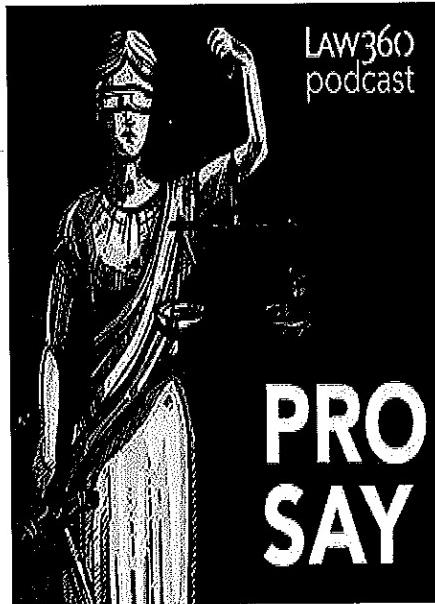
Analysis

ACA Repeal Would Destabilize Individual Markets, Experts Say

The latest Republican health care reform proposal would push more upheaval on an already unstable individual insurance market, experts said, pushing out smaller providers and giving those large enough to weather the storm a compliance headache through 50 new sets of state rules. [Read more »](#)

SEC Unveils Guidance On Pay-Ratio Rule Compliance

The U.S. Securities and Exchange Commission released guidance Thursday advising companies on how to comply with controversial new pay-ratio rules designed to illustrate difference between the pay of chief executives and median employees in a manner the agency says is flexible and less costly. [Read more »](#)



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LAW FIRMS

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Arent Fox

EU Seeks To Tax Online Businesses Where Profits Are Earned

The European Union's competition watchdog launched an agenda Thursday seeking agreement among the bloc's member countries to tax digital businesses where they earn profits, regardless of their physical location. [Read more »](#)

10th Circ. Slams Door On BLM Fracking Rule Litigation

The Tenth Circuit on Thursday tossed litigation challenging an Obama-era federal rule that strengthened hydraulic fracturing regulations on federal and Native American lands, saying it was pointless to proceed in light of the Trump administration's decision to rescind the rule. [Read more »](#)

Analysis

SEC Failed To Heed Warnings Of Weak Cyber Defenses

A July government watchdog report warned the U.S. Securities and Exchange Commission that it had not fully put in place a system for monitoring cyber intrusions on its financial systems, even as the hack of a key electronic filing system for public company disclosures, which was revealed Wednesday, may have enabled insider trading. [Read more »](#)

AG Sessions Warns Of Rising Crime During Boston Visit

Attorney General Jeff Sessions told an audience of prosecutors and law enforcement officials in Boston on Thursday that a rising tide of violence in America threatens to undo decades of crime-fighting progress. [Read more »](#)

ENERGY & ENVIRONMENTAL

States, Province Want High Court To Nix Water Transfer Rule

A coalition of seven states and a Canadian province have asked the U.S. Supreme Court

Baker Botts
BakerHostetler
Blank Rome
Bond Dickinson
Corrs Chambers
Cotchett Pitre
Covington & Burling
Cravath Swaine
DLA Piper
Davis Wright Tremaine
Debevoise & Plimpton
Dechert
Drinker Biddle
Earthjustice
Eversheds Sutherland
Fenwick & West
Foley & Lardner
Gibson Dunn
Greenberg Traurig
Haglund Kelley LLP
Hogan Lovells
Mayer Brown
Miller & Chevalier
Munger Tolles
Norton Rose Fulbright
Nossaman LLP
Ogletree Deakins
Orrick Herrington
Patterson Belknap
Proskauer Rose
Puterman Landry
Sanford Heisler
Siebman Burg
Williams & Connolly
Winston & Strawn
Womble Carlyle
WongPartnership LLP

COMPANIES

to overturn a Second Circuit ruling that upheld a U.S. Environmental Protection Act rule exempting some water transfers from Clean Water Act review, saying that decision found ambiguity in the law when it wasn't there. Read more »

USDA's 'Roadless Rule' Passes Muster, Court Finds

A D.C. federal judge on Wednesday rejected Alaska's long-running challenge to a rule put in place by former President Bill Clinton's administration limiting the number of roads built in national forests, finding that the U.S. Department of Agriculture hadn't overstepped its authority in creating the limitation. Read more »

Industry Groups Sue FWS To Delist Endangered Beetle

Nonprofit and industry groups filed suit in Oklahoma federal court on Thursday against the U.S. Fish and Wildlife Service arguing that it hadn't addressed a petition to remove the American burying beetle from the endangered species list in a timely fashion and must do so. Read more »

TRANSPORTATION & INFRASTRUCTURE

Analysis

Oil Cos., Transporters Embrace Jones Act Waiver After Irma

The U.S. government's temporary easing of restrictions on foreign-flagged vessels moving goods between U.S. ports after Hurricane Irma was a rare opening for energy producers and transportation and logistics companies to control their costs when demand for fuel is high following a natural disaster, experts say. Read more »

EMPLOYMENT

AARP Inc.
AbbVie Inc.
Air Transport Association of America
Airbnb Inc.
Allegis Group
American Bar Association
American Civil Liberties Union
American Gaming Association
American Medical Association Inc.
Barclays PLC
Bed Bath & Beyond Inc.
Blue Cross and Blue Shield Association
Burford Capital LLC
Cable News Network Inc.
Center for Strategic and International Studies
ConocoPhillips
Cray Inc
Deloitte Touche
Equifax Inc.
Ernst & Young
FedEx Corporation
Groupe Danone
Johnson & Johnson
KPMG International
L3 Technologies Inc.
Major League Baseball Inc.
NFL Enterprises LLC
National Association of Counties Inc.
National Basketball Association
National Collegiate Athletic Association
National Conference of State Legislatures
National Hockey League
National Immigration Law Center

Senate Dems Float State 'Right-To-Work' Ban

A group of Senate Democrats led by Sen. Elizabeth Warren of Massachusetts unveiled legislation Wednesday that would block states from enacting so-called right-to-work laws, which bar agreements between employers and unions that require union membership and mandate union dues as a condition of employment. [Read more »](#)

Senators Slam Labor Secretary Acosta Over OSHA Handling

Eight progressive senators wrote to Labor Secretary Alex Acosta Wednesday to express "deep concern" with the Occupational Safety and Health Administration under his watch, pressing him to announce a "highly qualified nominee" to head the U.S. Department of Labor office charged with protecting workers on the job. [Read more »](#)

RETAIL & E-COMMERCE

Bed Bath & Beyond Wins Refunds Over Unclaimed Certificates

Bed Bath & Beyond Inc. scored a victory Thursday when a New Jersey state appeals court found that the retailer was owed refunds for payments to the state for certain unclaimed merchandise return certificates, saying the remittances either should not have been made or they were made prematurely. [Read more »](#)

AEROSPACE & DEFENSE

\$70B Not Enough To Make Afghan Military Self-Sufficient

Despite the U.S. spending \$70 billion on security training, the Afghan military is still a long way from being self-sufficient, the chief watchdog for Afghanistan reconstruction said Thursday, pointing to issues such as poor preparation and politically set deadlines for readiness. [Read more »](#)

National Indian Gaming Association

National Right to Work Legal Defense Foundation

New York University

Northrop Grumman Corporation

Orbital ATK Inc.

Pfizer Inc.

PricewaterhouseCoopers

Raytheon Company

Ryanair Holdings PLC

Sierra Club

Sinclair Broadcast Group, Inc.

The Cato Corporation

TransCanada Corporation

Tribune Media Co.

Twitter Inc.

WhiteWave Foods Co.

GOVERNMENT AGENCIES

Bureau of Land Management

California Department of Justice

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Trade Commission

Fish and Wildlife Service

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

Maritime Administration

NAFTA

NATO

National Labor Relations Board

New Jersey Attorney General's Office

Lawmakers Bash GAO Report Clearing \$418M Aircraft Deal

A pair of House Republicans are dissatisfied with a Government Accountability Office report that found a \$418 million sole-source contract to supply surveillance aircraft to Kenya was aboveboard, according to media reports. [Read more »](#)

INTERNATIONAL TRADE

Trump Lines Up Bank-Targeted North Korea Sanctions

U.S. President Donald Trump said Thursday that his administration will impose new sanctions on any international banks or other companies that conduct business with North Korea, a move aimed at curbing the country's nuclear weapons program. [Read more »](#)

TAX

IRS To Issue Letter Rulings On Tax-Free Distributions

The Internal Revenue Service announced Thursday it will issue rulings on tax questions regarding a corporation's stock distributions under a section of the Internal Revenue Code that allows for tax-free distributions to shareholders in certain circumstances. [Read more »](#)

State & Local Tax Deduction Must Be Preserved, Group Says

After a 30-year hibernation, Americans Against Double Taxation reactivated its membership Thursday and launched a campaign to ensure state and local taxes remain deductible and don't become the victim of sweeping tax reforms being considered in Washington. [Read more »](#)

Ill. Gov. Signs Bill Extending Tax Credits For In-State Biz

Illinois Governor Bruce Rauner has signed legislation to overhaul and extend the state's

Occupational Safety and Health Administration

Securities and Exchange Commission

Special Inspector General for Afghanistan Reconstruction

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

World Trade Organization

Economic Development for a Growing Economy tax credit program, which rewards business hiring in the state. [Read more »](#)

IMMIGRATION

Trump Objects To Adding Plaintiffs In Travel Ban Appeal

The Trump administration blasted a bid by groups fighting the president's travel ban at the U.S. Supreme Court to add two new plaintiffs-respondents to the case, arguing in a response Tuesday that the move comes far too late and is unfair to the government. [Read more »](#)

Calif. DACA Suits Move Swiftly To Outpace March Deadline

A California federal judge insisted Thursday on a shortened schedule for several suits challenging the government's planned rescission of the Deferred Action for Childhood Arrivals program, saying while all sides would prefer congressional action, he wants to issue a ruling before the program's planned March expiration date. [Read more »](#)

NATIVE AMERICAN

AGA Calls For Unity With Native Group On Sports Betting Ban

The American Gaming Association on Thursday asked members of the National Indian Gaming Association to continue working alongside the AGA in its efforts to get the federal prohibition on sports gambling lifted. [Read more »](#)

TELECOMMUNICATIONS

Analysis

What You Need To Know About Upcoming FCC Auctions

As demand for spectrum to power internet-connected devices skyrockets and the need to extend broadband service in rural areas emerges as a national priority, both the

Federal Communications Commission and Congress are looking for competitive ways to distribute limited federal funds and resources. Here's what you need to know about the kinds of auctions the FCC will be using in the near future. [Read more »](#)

FCC's Pai Responds To Sinclair Favoritism Questions

In response to questions from lawmakers about his connection to Sinclair Broadcast Group, Federal Communications Commission Chairman Ajit Pai responded by defending previous meetings with the media behemoth's executives and clarifying a proposed rulemaking that would grow the company's empire. [Read more »](#)

FTC's McSweeney Makes Urgent Call For New Data Regs

The Federal Trade Commission's Terrell McSweeney warned Thursday that the agency's century-old enforcement tools aren't enough to handle the brave new world of internet-connected heart monitors, insulin pumps and other products posing data risks, calling for new regulations to lay out strict cybersecurity standards. [Read more »](#)

Sens. Ask FCC To Open Comment On New Net Neutrality Docs

A coalition of nine Democratic senators asked the Federal Communications Commission on Thursday to permit members of the public to comment on almost 50,000 newly released documents relating to the agency's net neutrality proceedings, arguing that it is obligated to take stakeholder input into consideration. [Read more »](#)

FCC's Wireless Report Is Misleading, Media Org. Charges

A forthcoming Federal Communications Commission report on investment in the wireless industry is effectively a setup for an anticipated push by the agency to roll back net

neutrality rules, media advocacy group Free Press charged in a letter to FCC Chairman Ajit Pai this week. Read more »

PEOPLE

Miller & Chevalier Adds Ex-DOJ National Security Counsel

Miller & Chevalier Chtd. has nabbed a former national security counsel for the U.S. Department of Justice in Washington, D.C., bolstering its international practice with his background in export controls and economic sanctions, foreign direct investment and cybersecurity. Read more »

EXPERT ANALYSIS

The Brexit Threat To US-UK Aviation

Aviation between the U.S. and U.K. is currently governed by an EU-wide agreement. But the U.K. will not be covered by this agreement once it leaves the bloc — and yet while it is still an EU member, cannot negotiate a new agreement either, say attorneys with Bond Dickinson LLP and Womble Carlyle Sandridge & Rice LLP. Read more »

The Role Legal Finance Can Play In Firm Year-End Collections

Payment collection delays have caused law firms to seek new options, one of which is litigation finance. In this context, litigation finance can offer alternative avenues to firms as they approach the end of a fiscal year or partnership distribution dates, says Travis Lenkner of Burford Capital LLC. Read more »

LEGAL INDUSTRY

PricewaterhouseCoopers Opens DC Legal Services Office

PricewaterhouseCoopers will open a new legal services office in Washington, D.C., this month, marking the accounting giant's latest

expansion into the legal market, the firm announced Thursday. Read more »

Chadbourne & Parke, Female Partners Fight Over Discovery

Chadbourne & Parke LLP and the female attorneys accusing the firm of gender discrimination clashed in New York federal court Wednesday over whether Chadbourne should turn over more documents about partner complaints, compensation and the firm's management. Read more »

Preet Bharara Joins CNN, Dishes On Firing In New Podcast

Former Manhattan U.S. Attorney Preet Bharara is joining CNN as a contributor, the cable news network said Thursday, one day after the former prosecutor for the first time described in detail his March firing by President Donald Trump. Read more »

Legal Tech Download: Atrium And An Equifax-Suing Chatbot

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at six recent major developments in legal tech. Read more »

Law360's Weekly Verdict: Legal Lions & Lambs

Anderson Kill PC tops this week's legal lions list with an appeals court win for TransCanada Energy finding its insurers owe the company nearly \$58 million in coverage, while Patterson Belknap Webb & Tyler LLP ended up on the legal lambs list after the Second Circuit axed a win it secured for Johnson & Johnson in an advertising feud with Pfizer. Read more »

Global 20: Dechert

In the past year, Dechert has provided Brexit-related advice across a spectrum of practice areas, guided WhiteWave Foods through competition issues pertaining to its acquisition

by Danone and defended Ecuador against arbitration brought by a ConocoPhillips subsidiary, again earning it a spot on Law360's Global 20 list. [Read more »](#)

Q&A

My Mentor And I: Homer Deakins Recalls Frank Ogletree

When we started our firm 40 years ago, Frank Ogletree was "the only adult in the room." He was the only one in our group of 16 lawyers who had the maturity and business acumen to start and run a law firm. We described him as a benevolent dictator, which is what we needed at the start, says Homer Deakins of Ogletree Deakins Nash Smoak & Stewart PC [Read more »](#)

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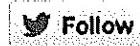
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From: Public Policy Law360
Sent: Friday, September 29, 2017 4:46 AM
To: Rep30
Subject: High Court's 2nd Look May Doom Public Sector Union Fees



Friday, September 29, 2017



TOP NEWS

Analysis

High Court's 2nd Look May Doom Public Sector Union Fees

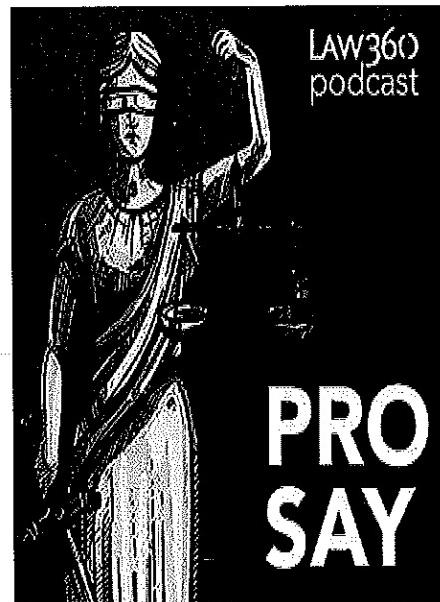
The U.S. Supreme Court has again agreed to take up a case over whether public-sector workers who are not union members can be forced to pay union fees, and while that question split the high court 4-4 in 2016, experts say this time around the court will likely deal a blow to organized labor and strike down decades-old precedent allowing unions to collect such fees. [Read more »](#)

Congress OKs FAA Reauthorization, Disaster-Based Tax Relief

Congress sent a six-month reauthorization of the Federal Aviation Administration to President Donald Trump on Thursday, passing a measure that also includes tax relief to areas in Texas, Louisiana, Florida, the U.S. Virgin Islands and Puerto Rico affected by Hurricanes Maria, Harvey and Irma. [Read more »](#)

Trump Lifts Jones Act For Hurricane Relief To Puerto Rico

President Donald Trump on Thursday lifted a shipping restriction on foreign-flagged ships moving goods between U.S. ports to allow for crucially needed supplies to get to hurricane-



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LAW FIRMS

Arnold & Porter Kaye Scholer
Baker Botts
Balch & Bingham
Beasley Firm
Benesch Friedlander
Black Srebnick
Blank Rome
Bracewell

ravaged Puerto Rico, bowing to pressure to provide relief to the U.S. territory. [Read more »](#)

Analysis

4 Deals To Watch With New DOJ Antitrust Chief At The Helm

Makan Delrahim's confirmation as head of the U.S. Department of Justice's Antitrust Division comes with several major mergers up for review and politicians clamoring for stepped-up enforcement, and the decisions made on these deals could shed light on the direction and posture of the division going forward. Here, Law360 takes a look at some of the transactions waiting on Delrahim's desk. [Read more »](#)

Analysis

Aircraft Trade Feud Casts Imposing Shadow On NAFTA Effort

The Trump administration's bid to overhaul the North American Free Trade Agreement was never going to be easy, but now a simmering aircraft trade dispute between the U.S. and Canada appears poised to introduce a new point of tension in the already-tense negotiations. [Read more »](#)

Ex-Rep. Mel Reynolds Guilty On All Four Counts In Tax Case

Former U.S. Congressman Melvin Reynolds was convicted Thursday on charges he failed to file tax returns on more than \$400,000 in income, following a four-day bench trial in an Illinois federal court. [Read more »](#)

Gorsuch Speech At Trump Hotel Draws Ethics Concerns

As Justice Neil Gorsuch spoke Thursday to conservatives about civility and free speech at the Trump International Hotel in Washington, protesters outside raised their voices over the ethics of the newest justice appearing at the president's new hotel. [Read more »](#)

Justices To Weigh Challenge To Public Sector Union Fees

Cinnamon Mueller

Conrad & Scherer

Cooley

Cooper & Kirk

Cravath Swaine

Davis Gerald

Davis Polk

Davis Wright Tremaine

Drinker Biddle

Earthjustice

Foley & Lardner

Fox Rothschild

Gibson Dunn

Goodwin

Gordon & Rees

Greenbaum Rowe

Greenberg Traurig

Haviland Hughes

Herbert Smith Freehills

Hyman Phelps

Irell & Manella

Jackson Lewis

Jones Day

Kasowitz Benson

Keker Van Nest & Peters

Kelley Drye

Kellogg Hansen

King & Spalding

Kirkland & Ellis

Kobre & Kim

Lavin O'Neil

Lewis Baach

Marshall Gerstein

McDermott Will

Miller Starr

MoloLamken LLP

Norton Rose Fulbright

O'Melveny & Myers

The U.S. Supreme Court will again take up the question of whether making public sector workers pay fees to unions violates their First Amendment rights, saying Thursday it will review a Seventh Circuit decision ending an Illinois Department of Healthcare and Family Services worker's suit. [Read more »](#)

BANKING & SECURITIES

Big Banks' Living Wills Extension Hints At Regulatory Easing

Federal regulators Thursday gave JPMorgan Chase & Co., Goldman Sachs Group Inc., Bank of America Corp., Wells Fargo & Co. and other big banks another year to file plans for taking themselves apart, opening the door to a potentially more permanent change. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Enviros Get Hollow Victory In 10th Circ. Frack Rule Fight

Environmentalists are cheering the Tenth Circuit's recent decision to toss a legal challenge to the U.S. Bureau of Land Management's rule strengthening fracking regulations on federal and Native American lands, but experts say litigation delays and a BLM effort to revoke the Obama-era rule could prevent it from ever taking effect. [Read more »](#)

Ex-EPA Boss Slams 'Rearview Mirror' Trump Administration

Former U.S. Environmental Protection Agency Administrator Gina McCarthy on Thursday blasted the Trump administration for chipping away at the agency's capabilities and rolling back Obama-era climate change initiatives — and expressed skepticism about a carbon tax as a fix-all to reduce carbon emissions. [Read more »](#)

Osler Hoskin
Paul Weiss
Pepper Hamilton
Perkins Coie
Reed Smith
Richards Layton
Seyfarth Shaw
Sidley Austin
Skadden
Stevens & Lee
Stoll Glickman
Stone Pigman
Strasburger & Price
Venable LLP
White & Case
Williams & Connolly
Willkie Farr
WilmerHale
Winston & Strawn
Zimmerman Reed

COMPANIES

Allergan PLC
Alliance Defending Freedom
American Bar Association
American Cable Association
American Federation of State, County and Municipal Employees
American Public Power Association
American Trucking Associations Inc.
Amgen Inc.
Apple Inc.
Ariosa Diagnostics Inc.
Asciano Ltd.
Association of American Railroads
B/E Aerospace Inc.
Bank of America Corporation

Balch Attys Charged In Bribery Scheme To Fight EPA Cleanup

The federal government on Wednesday hit two Balch & Bingham environmental attorneys with charges for allegedly bribing former Alabama state legislator Oliver Robinson to oppose an Environmental Protection Agency cleanup plan that could cost their coal client millions of dollars. [Read more »](#)

James Baker Outlines Climate Change Plan At Energy Summit

Former Secretary of State James A. Baker III said during a speech at Rice University Thursday that while there's a "hyperpartisan divide" on climate change and its causes, there are measures that both Republicans and Democrats can agree on that can mitigate its negative impacts. [Read more »](#)

DC Circ. Delays But Doesn't Nix Coal Ash Oral Arguments

The D.C. Circuit on Wednesday delayed oral arguments in a challenge to an Obama-era rule that governs the handling of coal ash but did not immediately grant the U.S. Environmental Protection Agency's request to hold the case in abeyance while the regulation is re-examined. [Read more »](#)

Enviros Say EPA Keeping Docs On Effluent Rule Secret

Environmental groups on Thursday filed suit against the U.S. Environmental Protection Agency in New York federal court alleging that after months of dialogue, their request for a range of documents on the now-delayed wastewater treatment standards for steam power plants wasn't being filled. [Read more »](#)

Enviros Sue EPA Over Ala., Miss. Air Board Conflict Rules

Environmental groups sued the head of the U.S. Environmental Protection Agency on Thursday in D.C. district court, alleging he has failed to enforce conflict of interest standards

Beachbody LLC
Bombardier Inc.
Booking.com BV
British American Tobacco PLC
BuzzFeed Inc.
CVS Caremark Corporation
Cable News Network Inc.
California Teachers Association
Center for Biological Diversity Inc.
CenturyLink Inc.
Citigroup Inc.
Competitive Enterprise Institute
DISH Network Corporation
Dr. Reddy's Laboratories Limited
Drummond Company Inc.
Duane Reade Holdings Inc.
EchoStar Corporation
Edison Electric Institute Inc.
Ernst & Young
FTI Consulting Inc.
Facebook
Food Network
Foot Locker Inc.
Gilead Sciences Inc.
Goldman Sachs Group Inc.
Grant Thornton LLP
Hobby Lobby Stores
Home Box Office Inc.
Hospira Inc.
Idenix Pharmaceuticals, Inc.
Impax Laboratories, Inc.
International Trademark Association
JPMorgan Chase & Co.
Lannett Company, Inc.
Memorial Sloan Kettering Cancer Center
Merck & Co Inc.
Microsoft Corporation

for Mississippi and Alabama required under the Clean Air Act, while adding the states have been out of compliance for decades. Read more »

HEALTH & LIFE SCIENCES

HHS Says Price To Pay Back \$52K In Private Jet Costs

The U.S. Department of Health and Human Services on Thursday said Secretary Tom Price will reimburse the federal government almost \$52,000 for his share of taxpayer-funded chartered jet trips that are reported to have cost taxpayers more than \$400,000 and are the subject of an Office of Inspector General review. Read more »

Feds Make Political Money Link In Menendez Bribery Trial

A Florida ophthalmologist agreed to provide \$60,000 in political donations requested by Sen. Bob Menendez's chief of staff on the same day when another staffer sought to arrange a meeting with a U.S. Department of State official to partly discuss an issue affecting the physician, according to testimony Thursday at the senator and doctor's bribery trial. Read more »

IP & TECHNOLOGY

Booking.com Rips USPTO's Bid For Atty Fees In A Case It Lost

Travel reservation site Booking.com harshly criticized the U.S. Patent and Trademark Office on Wednesday for seeking more than \$76,000 in attorneys' fees in a trademark case that the agency lost, calling the demand a "radical departure" that "turns logic on its head." Read more »

Trump's USPTO Pick Made \$4.7M Since 2016 At Irell & Manella

President Donald Trump's nominee to lead the U.S. Patent and Trademark Office earned \$4.7

MoneyGram International, Inc.

Morgan Stanley

Mylan NV

National Association of Broadcasters

National Australia Bank

National Rifle Association of America

National Right to Work Legal Defense Foundation

National Rural Electric Cooperative Association

New York Times Co.

Novartis AG

Patriot National Inc.

PayPal Inc.

Pegasus Capital Advisors LP

PepsiCo Inc.

Raytheon Company

Sequenom, Inc.

Service Employees International Union

Sierra Club

Sinclair Broadcast Group, Inc.

Societe Generale

Southern Environmental Law Center

Space Exploration Technologies Corp.

St. Jude Medical Inc.

State Street Corp.

TBS International Limited

TW Liquidation Corp.

Telecommunications Industry Association

Telia Co. AB

The AES Corporation

The Bank of New York Mellon Corporation

The Boeing Company

million as a managing partner at Irell & Manella LLP since January 2016, according to the nominee's financial disclosure report. [Read more »](#)

MEDIA & ENTERTAINMENT

Russian Exec Wants BuzzFeed's Source For Trump Dossier

Attorneys for a Russian technology executive suing BuzzFeed for publishing a dossier alleging Russia has compromising information on President Donald Trump pressed the news organization Thursday to reveal who handed it the dossier, arguing it is critical information for his defamation claims. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Analysis

Trump Deregulatory Push Puts New Rail, Truck Rules In Doubt

The Trump administration's steadfast deregulatory agenda has upended a number of proposed rules and regulations under consideration for the railroad and trucking sectors, casting a bleak outlook for other measures intending to bolster rail competition or more stringently regulate commercial truckers' operating conditions. [Read more »](#)

2 Senators Roll Out Self-Driving Vehicle Legislation

U.S. Sens. John Thune, R-S.D., and Gary Peters, D-Mich., introduced legislation Thursday that would govern self-driving vehicles, a proposal that follows and uses parts of the Self Drive Act, which passed the House without objection earlier this month. [Read more »](#)

PRIVACY & CYBERSECURITY

Ballot Selfie Ban Constitutional In NY, Judge Finds

The Cato Corporation
The DIRECTV Group, Inc.
The Walt Disney Company
TiVo Corp.
Time Warner Inc.
Trump Organization Inc.
Twitter Inc.
United States Telecom Association
Verizon Communications
Victoria's Secret Stores Inc.
Wal-Mart Stores Inc.
Warner Bros.
Wells Fargo & Co.
Zoll Medical Corporation
eBay Inc.

GOVERNMENT AGENCIES

Alabama Department of Environmental Management
Bureau of Land Management
Department of Commerce
European Commission
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Emergency Management Agency
Federal Highway Administration
Federal Motor Carrier Safety Administration
Federal Railroad Administration
Federal Reserve System
Federal Trade Commission
Florida Department of Revenue
Internal Revenue Service
International Trade Commission
Judicial Conference of the United States

New York's ban on ballot-box selfies was upheld Thursday by a federal judge who found, after a bench trial, that the goal of stemming election manipulation and voting delays does not impinge on the First Amendment. Read more »

TAX

Analysis

5 Tax Fights To Watch In The Supreme Court

The U.S. Supreme Court is facing a number of headline-grabbing tax cases that could change the landscape of unclaimed property laws, restrict the government's prosecutorial power under a section of the federal tax code, and upend sales tax laws pertaining to the online marketplace. Read more »

IRS Beats FOIA Suit Over Church Taxes

A Washington, D.C., federal judge on Wednesday killed a suit alleging that the Internal Revenue Service had failed to properly fulfill a Freedom of Information Act request from a religious freedom legal organization, noting that previous requests have not required the service to search all record systems for responsive records. Read more »

Retired Marshal Asks Supreme Court To Review W.Va. Tax Law

A retired U.S. marshal asked the U.S. Supreme Court to review a West Virginia tax law that grants federal law enforcement retirees a partial income tax exemption for benefits received under the Federal Employee Retirement System while granting full exemption of retirement benefits paid to similarly situated state law enforcement retirees. Read more »

BANKRUPTCY

Michigan Department of Treasury

Mississippi Department of Environmental Quality

NAFTA

National Highway Traffic Safety Administration

New York Attorney General's Office

Securities and Exchange Commission

Small Business Administration

Surface Transportation Board

U.S. Customs and Border Protection

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

Senate OKs Tweaked Bill To Up Bankruptcy Fees, Add Judges

The Senate on Wednesday night passed a scaled-back version of a bill that would up bankruptcy fees for some filers, extend 14 bankruptcy judgeships and add four new ones, sending the measure back to the House. [Read more »](#)

San Juan Can't Stop Vote On Restructuring Bank's \$4.1B Debt

A New York federal judge on Wednesday denied a bid by Puerto Rico's capital, San Juan, to stall a vote on a restructuring plan for the \$4.1 billion debt load of the territory's investment bank, saying that the city had not shown it had a secured interest on funds in the bank. [Read more »](#)

IMMIGRATION

Trump Fights Quick Win Bids In Calif. Sanctuary Cases

The Trump administration on Thursday urged the Northern District of California to deny quick wins to San Francisco and a California county in their separate bids to permanently block enforcement of an executive order that calls for withholding federal funds from so-called "sanctuary cities." [Read more »](#)

TELECOMMUNICATIONS

FCC Chairman Pai's Reconfirmation Heads Toward Final Vote

The U.S. Senate voted Thursday to limit debate on Federal Communications Commission Chairman Ajit Pai's nomination to a second five-year term on the commission. [Read more »](#)

Groups Ask High Court To Rethink Net's Title II Status

A handful of telecom industry groups filed cert petitions on Thursday asking the U.S. Supreme Court to undo a D.C. Circuit decision

that approved the classification of internet service as a Title II public utility and greenlighted the net neutrality rules currently in effect. [Read more »](#)

Apple Should Activate FM Chip For Emergencies, Pai Says

Apple continued to weather criticism Thursday over its decision to keep FM chips in iPhones deactivated despite their usefulness during emergencies, with Federal Communications Commission Chairman Ajit Pai calling on the tech giant to "step up to the plate and put the safety of American people first." [Read more »](#)

EXPERT ANALYSIS

Opinion

Why The Proposed Calif. Land Use Law Is Deeply Flawed

California bill AB 890, sent to Gov. Jerry Brown for action by Oct. 15, is supposedly meant to ensure that enumerated types of local development proposals are subjected to environmental review under the California Environmental Quality Act. However, this bill, the opposite of CEQA reform, proposes a cure far worse than the perceived disease, say Arthur Coon and Bryan Wenter of Miller Starr Regalia. [Read more »](#)

New Sedona Principles Stress Information Governance

The Sedona Conference Working Group's updated Sedona Principles provides a timely reminder that the legal industry needs to be thinking more seriously about the interconnectedness between e-discovery and information governance, says Saffa Sleet of FTI Consulting Inc. [Read more »](#)

LEGAL INDUSTRY

Prankster Touts Email From Lowell Meant For Kushner

Top white collar defense lawyer Abbe Lowell had his defenses down just enough Thursday to accidentally send a scolding letter from the Senate intelligence committee to a phony Jared Kushner email moniker instead of Lowell's own client's, according to the prankster's Twitter account. [Read more »](#)

Trump Taps Texas Justice, Gibson Dunn Partner For 5th Circ.

President Donald Trump on Thursday unveiled four nominees for the Fifth Circuit, including a Texas Supreme Court justice and a Gibson Dunn & Crutcher LLP partner, and five other candidates for federal judgeships, including district court seats in Louisiana and Colorado. [Read more »](#)

Analysis

Texas 5th Circuit Nominees Boast Conservative Bona Fides

Texas Supreme Court Justice Don Willett and Gibson Dunn & Crutcher LLP partner James Ho, both announced Thursday as nominees to the Fifth Circuit, are being hailed by court watchers as well-respected appellate veterans with experience in Washington and deep ties to Texas' Republican leadership. [Read more »](#)

Senate Confirms Erickson To 8th Circ.

The Senate voted overwhelmingly Thursday to confirm U.S. District Judge Ralph R. Erickson to the Eighth Circuit, a longtime North Dakota jurist who also chairs the federal Sentencing Commission's Tribal Issues Advisory Group. [Read more »](#)

Kasowitz Benson Fights Order Keeping Fraud Suit In Fla.

Kasowitz Benson Torres LLP has appealed a Florida state judge's denial of its request to dismiss a lawsuit from former client Patriot National Inc. accusing it of "egregious misconduct," pressing ahead with its argument that the matter belongs in New York where it is

attempting to collect \$1.1 million from the company. [Read more »](#)

Analysis

What GCs Should Know About The Latest Travel Ban

President Donald Trump's newest travel ban, which places restrictions on immigrants and visitors to the United States from eight countries, could limit hiring, promoting, business-related trips and other travel for companies that employ individuals around the world. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Legal lions this week were led by a coalition of attorneys who helped biotech giant Amgen secure a jury verdict for \$70 million in damages, while the legal lambs were headed by an unnamed WilmerHale attorney who accidentally sent privileged documents to a reporter. [Read more »](#)

Global 20: Herbert Smith Freehills

Herbert Smith Freehills LLP has maintained its place on Law360's Global 20 list for the fourth year in a row, again proving itself an international powerhouse through its representation of Goldman Sachs International and Societe Generale against a Libyan government wealth fund, among other large cases and deals. [Read more »](#)

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Sent: Monday, October 2, 2017 6:01 PM
To: Rep30
Subject: NCS Capitol to Capitol: Congress Shifts to Tax Reform

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CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Oct. 2, 2017

Congress Shifts to Tax Reform

On Sept. 27, Trump and the "Big Six"— which includes Senate Majority Leader Mitch McConnell (R-Ky.), Speaker Paul Ryan (R-Wis.), Senate Finance Chairman Orrin Hatch (R-Utah), House Ways and Means Chairman Kevin Brady (R-Texas), Treasury Secretary Steven Mnuchin and National Economic Council Director Gary Cohn — released their "unified framework" for overhauling the U.S. tax code. The nine-page document will serve as a starting point for tax writers in both the House and the Senate to hash out the rest of the details.

But before it fleshes out the details of tax reform, Congress will need to pass a budget resolution that includes tax reform instructions so that it can then use budget reconciliation for tax reform. Budget reconciliation is a legislative maneuver that allows the majority in the Senate to bypass the filibuster process, allowing them to pass legislation with 51 votes, instead of the normal 60. The House is expected to vote on its FY 2018 budget on Thursday. In the Senate, the full Budget Committee is expected to mark up its budget plan, which is quite different than the House bill, later this week.

Concerning tax reform, the Senate budget would allow tax writers to add as much as \$1.5 trillion to the deficit over 10 years, but the House budget would not allow a tax plan to add to the deficit. This is just one of several differences that the two chambers will have to reconcile before moving forward on a tax package. Budget aside, the White House is optimistic for a tax plan to move quickly through Congress. "We would hope to be in the Senate in November," Cohn told reporters last week. "And we would hope to have a bill done by this year."

Meanwhile, the administration and GOP leaders will need to package this plan and sell it to the public as tax relief for the middle class and not a windfall for the wealthiest Americans if they want the reform to make it across the finish line. They will also need to secure the necessary votes in the Senate, which is anything but assured given that the slim Republican majority can ill-afford to lose votes of support.

In sum, enacting a tax plan this year might be overly optimistic given the tight congressional calendar and lack of agreement on key policy details. While Republicans are desperate for a win and a legislative victory, tax reform is by no means an easy feat and the process may continue well into 2018.

NCSI Contacts: Max Behlke; Jake Lestock

NCSL Urges Preservation of the SALT Deduction

On Sept. 27, NCSL released the following statement regarding the tax reform framework:

As a central tenet of tax reform is to provide tax relief for the middle class, NCSL is dismayed that the released framework will eliminate a deduction that is vital to middle class taxpayers, the State and Local Tax (SALT) deduction. The SALT deduction has existed in the federal tax code since its inception, which coincidentally was also when the federal tax code was at its simplest, because federal tax writers were cognizant to not tax an individual's income twice.

Eliminating this deduction will lead to higher tax burdens for tens of millions of middle class taxpayers of every political affiliation, an outcome contrary to the stated goal of providing meaningful relief to taxpayers. The elimination of the SALT deduction also impedes the ability of states to invest in infrastructure, fund education, and provide the vital public services that Americans expect from their state and local governments.

Ensuring that the incomes of American workers are not taxed twice hardly counts as a special interest tax break or loophole that needs to be closed. NCSL strongly supports preservation of the SALT deduction and opposes any attempt to harm middle class taxpayers and their communities.

Protect state taxpayers. Protect local decision making. Protect SALT.

NCSL Contacts: Max Behlke; Jake Lestock

DYK? The Coinage Act of 1792 established the U.S. Mint, created the dollar as the nation's standard unit of money, and regulated the country's coinage. Specifically, the law specified that \$10, \$5 and \$2.50 coins (known as eagles, half-eagles and quarter-eagles) were to be made of their face value in gold, while the dollar, half-dollar, quarter-dollar, dime and half-dime coins were to be made of their value in silver. Criminals found that they could make a profit by filing shavings from the sides of gold and silver coins, and selling it. It did not take long for the U.S. Mint to begin adding ridges to the coins' edges, a process called "reeding," to make it impossible to shave them down without the result being obvious. As a side benefit, the reeded edges make counterfeiting more difficult.

SCOTUS Gerrymandering Case Could Reshape American Politics

"There is only one prediction that is entirely safe about the upcoming term, and that is it will be momentous."

- Justice Ruth Bader Ginsburg, Sept. 20, 2017

Today, the Supreme Court of the United States (SCOTUS) returns for what could be one of the most consequential terms of the court in recent memory. In addition to cases on immigration, religious freedom, and privacy already on the docket, it will hear oral arguments in a case about partisan gerrymandering in Wisconsin, where a federal court in November 2016 struck down a legislative map for being too partisan. In *Gill v. Whitford*, a panel of three federal judges ruled that the Wisconsin State Assembly map adopted in 2011 violated the First and 14th Amendments to the Constitution. If the court ultimately rules against the plaintiffs, it could mean that no amount of partisan bias could make electoral districts unconstitutional. But on the flipside, if the court sides with the plaintiffs, it could ultimately lead to drastic changes of electoral maps and how state legislatures draw them.

DYK? On this day in...

- **1996:** President Bill Clinton signed the Electronic Freedom of Information Act Amendments (E-FOIA), which required executive branch agencies to make certain types of records, created on or after Nov. 1, 1996, to be made available electronically. The amendments also required agencies to provide electronic reading rooms for citizens to use and extended the response time to FOIA requests from 10 days to 20 business days.
- **1980:** Pennsylvania Congressman Michael Myers became the first member of either chamber of Congress to be expelled since the Civil War, for his involvement in the Abscam scandal. As part of the public corruption investigation, Myers was videotaped accepting a \$50,000 bribe from undercover FBI Agents.
- **1967:** Thurgood Marshall was sworn in as the first African-American justice of the Supreme Court of the United States.

Senate Releases Bipartisan Autonomous Vehicle Legislation That Pre-empts States

On Sep. 28, Senate Commerce Committee Chairman John Thune (R-S.D.), and Senators Gary Peters (D-Mich.), Roy Blunt (R-Mo.), and Debbie Stabenow (D-Mich.) unveiled legislation regarding autonomous vehicles—the American Vision for Safer Transportation Through Advancement of Revolutionary Technologies (AV START)

Act. The AV START Act is similar to the House passed SELF DRIVE but it also contains several significant differences as well as areas of concerns for states, notably in the areas of pre-emption and safety evaluation reports. The Commerce Committee will consider the legislation at a markup schedule for Oct. 4.

Pre-emption

The Senate committee bill currently includes a pre-emption section identical to that included in the bill passed by the House. Specifically, the language would pre-empt states from regulating the performance of automated driving systems (ADS) as well as any "unreasonable restrictions" concerning registration, licensing, driving education and training, insurance, law enforcement, crash investigations, safety and emissions inspections, congestion management of vehicles on the street with in a state or political subdivision of a state, or traffic on the design, construction, or performance of highly automated vehicles or ADS. **NCSL Urges State Legislators to Contact their Congressional Delegations to Voice their Opposition to the Pre-Emption.**

Additionally, the bill would prohibit a state from issuing licenses for a dedicated highly automated vehicle (DHAV), which the bill defines as a level 4 or 5 automated vehicle, in a way that discriminates against those with disabilities.

A full NCSL analysis of the AV START legislation can be read [here](#).

NCSL Contacts: Ben Husch; Kristen Hildreth

A Deeper Dive on Transportation, Energy, Environment and Agriculture Policy

For those looking for a deep dive on federal Transportation, Energy, Environment and Agriculture topics, please check out the September editions of our Natural Resources and Infrastructure Committee's three monthly newsletters:

- Energy & Agriculture Update - latest federal developments influencing agriculture and energy policy
- Environment Update - latest federal developments on environment policy
- Transportation Update - latest federal developments on transportation policy

NCSL Contacts: Ben Husch; Kristen Hildreth

DYK? Russia did not consider beer, or any beverage that contained less than 10 percent alcohol, to be alcoholic until 2011. They previously classified it as a soft drink. The new restrictions were signed off by then

President Dmitry Medvedev as part of an attempt to counter alcohol abuse, which he earlier called a "national calamity."

Supreme Court Will Hear Far-Reaching Union Case

The Supreme Court of the United States agreed on Thursday to hear *Janus v. AFSCME*, a case challenging the legality of union fees that could have serious ramifications for public sector unions. The case revolves around Illinois state employee Mark Janus, who contends the requirement that he pay union fees to the American Federation of State, County, and Municipal Employees (AFSCME) violates his free speech rights. The justices considered this issue once before, when the Court took up *Friedrichs v. California Teachers Association* last year. That case was brought by a California teacher, Rebecca Friedrichs, and resulted in a 4-4 deadlock following the death of Justice Antonin Scalia. Should the justices vote the same way, Neil Gorsuch will be in a position to offer the final tie-breaking vote.

NCSL Contacts: Joan Wodiska, Lucia Bragg

Trump Signs Hurricane Relief Legislation for Schools, Issues Hurricane Relief Guidance

The president signed S. 1866 into law on Friday after the bill passed through Congress last week. The bill offers various forms of support for schools and colleges impacted by the recent hurricanes. Specifically, the law:

- Allows the U.S. Department of Education to waive a requirement that higher education institutions contribute matching funds as part of the Federal Work Study and Supplemental Educational Opportunity Grant programs.
- Redistributions the unused funds in those programs to colleges affected by the hurricanes.
- Provides access for private schools to funds available under the Project School Emergency Response to Violence program.

The law comes on the heels of new non-regulatory hurricane relief guidance, issued by the department on Sept. 22. The guidance identifies areas of federal law that are subject to flexibility and waivers for grantees and program participants impacted by natural disasters. The guidance focuses on support and flexibility options available to schools, state educational agencies, state lead agencies, local educational agencies, local early intervention service programs and providers, State Vocational Rehabilitation agencies, the Department of the Interior's Bureau of Indian Education (BIE)-funded schools, Tribes, and postsecondary institutions with a

focus on the 2017 hurricanes. The department will hold a webinar discussing the details of the guidance on Thursday, Oct. 5 at 2 p.m. ET. Interested participants may register [here](#).

NCSL Contacts: Joan Wodiska, Lucia Bragg

HHS Secretary Pays Price for Travel

On Friday, Health and Human Services Secretary Tom Price resigned for his use of private charter and military jets to travel around the country at taxpayer expense. Don Wright, a longtime U. S. Health and Human Services (HHS) career employee, doctor and public health expert was named acting HHS secretary Friday following Price's resignation. Soon after Price stepped down, Washington began speculating about possible candidates for his replacement, including:

- Scott Gottlieb, the commissioner of the Food and Drug Administration
- Seema Verma, the administrator of the Centers for Medicare and Medicaid Services
- David Shulkin, the secretary of veterans affairs
- Former Louisiana Governor Bobby Jindal
- Florida Governor Rick Scott

NCSL Contact: Haley Nicholson

Also of Note...

Federal Funding for the Children's Health Insurance Program (CHIP), which covers 9 million children, expired on Sept. 30. If Congress does not act, the Kaiser Family Foundation expects 10 states to run out of money for the program by the end of the year, and 21 states will be out of money by March 2018.

NCSL Contact: Haley Nicholson

The National Flood Insurance Program, a federal program that aims to provide affordable flood insurance to property owners, has depleted its borrowing authority after a series of devastating hurricanes over the past several weeks. The Federal Emergency Management Agency (FEMA), which runs the program, notified Congress on Sept. 20 that it borrowed \$5.8 billion from the Treasury to fund losses this year, including those incurred by Hurricanes Harvey and Irma, and "anticipated programmatic activities." The balance of FEMA's remaining borrowing authority is now zero, according to the agency.

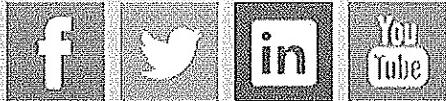
NCSL Contact: Ethan Wilson

Read the Sept. 25, 2017, Capitol-to-Capitol.

If you have comments or suggestions, please contact [Max Behlke](#).

[**Read More**](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the [policy directives and resolutions](#) adopted during NCSL's Legislative Summit.



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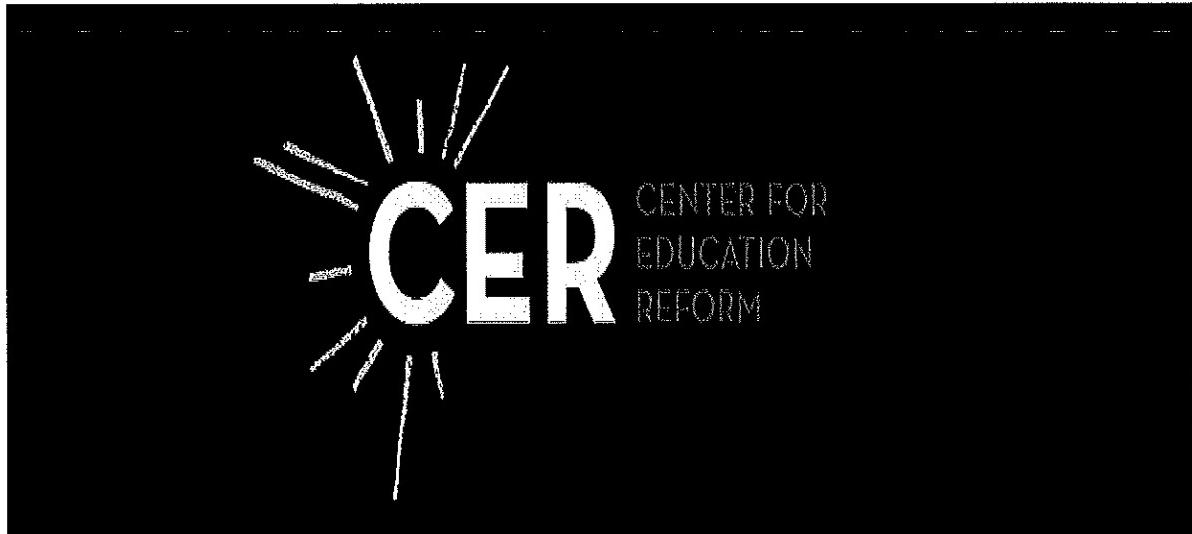
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October 4, 2017

Memo to Reporters

From: Jeanne Allen, founder & CEO, the Center for Education Reform

Re: U.S. Supreme Court case holds promise for teacher freedoms

Leaders of organizations and schools across the education reform arena are enthusiastic that on Thursday, September 28, the Supreme Court of the United States (SCOTUS) agreed to hear arguments in *Janus v. AFSCME*. The case was brought forth by Mark Janus, an Illinois Department of Healthcare and Family Services public employee who believes that forced unionism and the mandatory paying of fees violates his First Amendment rights. A favorable outcome in *Janus* could pave the way for a loosening on the stranglehold of other public sector employees compelled to pay mandatory union fees. Public school teachers, in particular, stand to benefit from the freedom that would allow them to make their own decisions as to whether or not they pay union dues and fees.

TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS:*

- Free millions of workers – public school teachers included ? 3 from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-Janus ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer*
tim@edreform.com | (443) 532-2445

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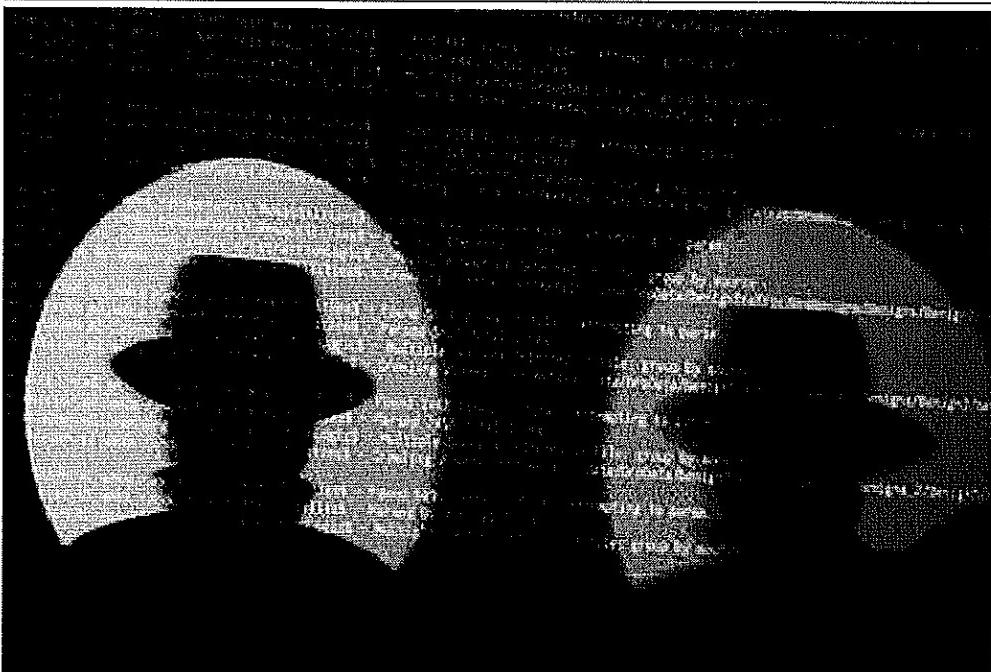
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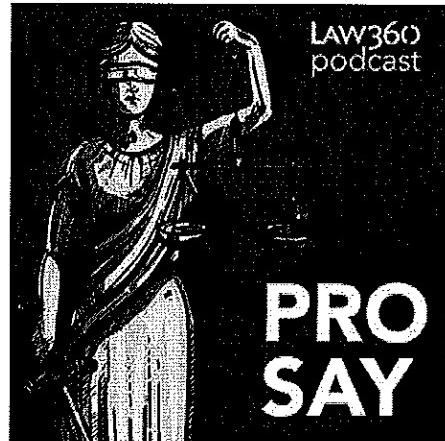
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IN-DEPTH



Feature



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LAW FIRMS

Akin Gump
Alston & Bird
Arnold & Porter Kaye Scholer
BakerHostetler
Ballard Spahr
Brownstein Hyatt

'White Hats' Face Red Tape As Data Gets Deadly

While the proliferation of things like internet-connected medical devices makes data security a matter of life and death, well-intentioned hackers who could ward off the next attack are hitting big institutional barriers. [Read more »](#)

TOP NEWS

Akin Gump Remains Leader In BigLaw Lobbying Revenue

Akin Gump Strauss Hauer & Feld LLP remains the leader in BigLaw lobbying revenues, raking in \$9.6 million for the third quarter of the year, followed by Brownstein Hyatt Farber Schreck LLP and Squire Patton Boggs LLP, according to figures reported by the firms. [Read more »](#)

Analysis

Federal Coffers Vulnerable Under Global Minimum Tax Plan

A single word contained in a proposal to protect the U.S. tax base, under a Republican plan to exempt American companies' overseas profits from taxation, could actually encourage companies to move profits offshore and engage in aggressive tax planning strategies. [Read more »](#)

Analysis

Trump's ACA Requests Signal Doubt On Regulatory Powers

The Trump administration's newly released requests for legislative changes to the Affordable Care Act mirror changes floated in a recent executive order, potentially signaling doubts about the order's ability to effect changes via regulation, experts say. [Read more »](#)

NY Times Can't Get 'Olson Memo' On NSA Spying, Judge Says

A classified 1984 memo by then-U.S. Department of Justice official Ted Olson is protected by attorney-client privilege, a D.C. federal judge ruled Friday, shutting down efforts by The New York Times to obtain documents believed to underpin the National Security Agency's electronic spying activities. [Read more »](#)

Trump Vows Tax Plan Won't Lower 401(k) Contribution Limits

President Donald Trump on Monday said tax-free 401(k) contribution thresholds will not be changed as part of a push in Congress to overhaul the tax code, possibly short-circuiting a proposal by some Republican lawmakers before it even had a chance to get off the ground. [Read more »](#)

ENERGY & ENVIRONMENTAL

Everglades, Beaches Highlight Fla. Gov's \$1.7B Enviro Budget

Florida Gov. Rick Scott on Monday unveiled a proposed \$1.7 billion in funding for the environment that he intends to include in his 2018-19 recommended budget, including funding for the Everglades and springs restoration, the state's famed beaches, its state parks and land conservation acquisitions. [Read more »](#)

Honeywell, Others Tell DC Circ. To Rethink HFC Rule Decision

Honeywell International Inc., Chemours Co. FC LLC and the Natural Resources Defense Council on Monday insisted the D.C. Circuit reconsider its August invalidation of a U.S. Environmental Protection Agency rule forcing

Covington & Burling

Crowell & Moring

DAC Beachcroft

DLA Piper

Dawson Orr

Dentons

Freshfields

Gibson Dunn

Greenbaum Rowe

Greenberg Traurig

Haynes and Boone

Hogan Lovells

Holland & Knight

Irell & Manella

Jeeves Law

Jones Day

K&L Gates

Keker Van Nest & Peters

Kirkland & Ellis

Kobre & Kim

Lane & Waterman

Manko Gold

Mayer Brown

McDermott Will

McElroy Deutsch

McGuireWoods

Norton Rose Fulbright

Proskauer Rose

Reno & Cavanaugh

Sanford Heisler

Skadden

Squire Patton Boggs

Stroock & Stroock

Trucker Huss

Venable LLP

Williams & Jensen

Willkie Farr

de la Parte & Gilbert

COMPANIES

AAR Corporation

Abbott Laboratories

Adobe Systems Incorporated

Akamai Technologies, Inc.

American Bankers Association

American Bar Association

manufacturers to stop using hydrofluorocarbons, even if the EPA itself hasn't sought rehearing. Read more »

ATV 'Protest' Riders Lose Bid To Nix Convictions At 10th Circ.

A Tenth Circuit panel on Monday backed the convictions of two men who were briefly put in jail in connection with an all-terrain vehicle "protest" ride through a southeastern Utah canyon that the U.S. Bureau of Land Management had temporarily closed off to such vehicles. Read more »

Feds Defend Sage Grouse Flip In Enviro's Suit

Environmental groups relied on a faulty reading of a U.S. Fish and Wildlife Service decision to reverse course on a plan to designate the bi-state sage grouse as a threatened species when they challenged the decision, the agency told a California federal judge Friday in its move for a quick win in the groups' lawsuit. Read more »

HEALTH & LIFE SCIENCES

Fla. High Court Won't Take Up Health Records Fee Case

The Florida Supreme Court sided with the state Board of Medicine on Monday in finding that it does not have grounds to review a patient and a lawyer's challenge to a proposed rule change that would allow physicians to charge more for copies of patient records. Read more »

Judge Slams State Efforts To Block Trump's ACA Subsidy Cut

A California federal judge blasted 18 states' bid to block the Trump administration from cutting billions in Affordable Care Act subsidies, suggesting they were confusing consumers by "standing on the courthouse steps denouncing the president" even though they'd devised an "innovative" workaround that actually boosted coverage and meant there was no immediate harm. Read more »

Ex-State Dept. Official Denies That Menendez Made Threat

A former U.S. Department of State official cast doubt Monday on the government's allegation that Sen. Bob Menendez, D-N.J., threatened him during a 2012 meeting with a hearing on port security in the Dominican Republic, marking the second defense witness to undercut that claim at the bribery trial of the lawmaker and a Florida ophthalmologist. Read more »

MEDIA & ENTERTAINMENT

New TV Standard Must Be Laissez-Faire, Charter Tells FCC

Charter Communications Inc. and a trade group chaired by the telecom's CEO told the Federal Communications Commission on Friday that it should do all it can to promote a smooth and voluntary transition to the next-generation TV broadcasting standard. Read more »

Fla. Law Prof. Wants In On Sports Betting High Court Args

A Florida professor has implored the U.S. Supreme Court to consider all of its judicial options before ruling on a challenge to a federal sports betting ban, arguing that the justices need not touch the constitutional claims to rule in the case. Read more »

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Urged To Save Amtrak Metrics In Due Process Spat

American Intellectual Property Law Association
Amgen Inc.
Arkema SA
Associated Press
Association of American Railroads
Biogen Inc.
Center for Biological Diversity Inc.
Charter Communications Inc.
Chemours Co.
Chevron Corporation
Consumer Bankers Association
Electronic Frontier Foundation
Equifax Inc.
Ernst & Young
Facebook
Faculty Athletics Representatives Association
Financial Services Roundtable
General Electric Company
Google Inc.
Honeywell International Inc.
Hospira Inc.
IP Owners Association
Immunomedics, Inc.
International Business Machines Corporation
Johnson & Johnson
Kaspersky Lab Ltd.
Major League Baseball Inc.
Medtronic Inc.
Merck KGaA
NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
Natural Resources Defense Council
New York Times Co.
New York University
Northeastern University
Oracle Corp.
Rapid7 Inc.
Reddit Inc.
Sierra Club
St. Jude Medical Inc.

The U.S. Department of Transportation has asked the D.C. Circuit to preserve a federal statute allowing Amtrak to set performance and scheduling standards along the nation's passenger railways, saying the appeals court can trim off the lone provision it found unconstitutional. [Read more »](#)

NATIONAL SECURITY

House OKs Shipping Security, Cuba Travel Bills

The House of Representatives passed a series of bills Monday aimed at increasing shipping security, intercepting international drug shipments, and investigating the security standards in Cuban airports. [Read more »](#)

REAL ESTATE

Trump-GSA Lease Info Went To Ex-Counsel For Years: Report

A law firm that ceased work on the Trump Organization's lease of the Old Post Office building from the U.S. General Services Administration is still getting confidential information about the contentious contract years later, according to a watchdog report Friday. [Read more »](#)

PRIVACY & CYBERSECURITY

Embattled Kaspersky Lab Invites Third-Party Software Review

Moscow-based Kaspersky Lab Inc. says it will invite independent parties to review the security of its antivirus software, in response to U.S. government suggestions that the tools the company makes could be hijacked by Russian operatives and used to spy on Americans. [Read more »](#)

CONSUMER PROTECTION

Treasury Report Adds To Case Against CFPB Arbitration Rule

A Treasury Department report on Monday took a swipe at the Consumer Financial Protection Bureau's arbitration rule, providing more ammunition for financial firms challenging the rule in court even as a move to nullify it in Congress appears on the ropes. [Read more »](#)

AEROSPACE & DEFENSE

Air Force Retirees May Help Alleviate Ground Staff Shortage

Retired military pilots could help alleviate a deepening shortage of aviators by returning to fill positions on the ground that require flight experience under an executive order allowing the Air Force to voluntarily re-enlist as many as 1,000 retired pilots to active duty positions, the Air Force Public Affairs Agency told Law360 on Monday. [Read more »](#)

INTERNATIONAL TRADE

Dems Want Admin Progress On Security-Based Trade Probes

A group of Democratic senators expressed concern to Commerce Secretary Wilbur Ross over the administration's shelving of security-based steel and aluminum investigations in favor of a legislative push for tax reform, arguing the two efforts are separate and delaying the investigation hurts U.S. workers. [Read more »](#)

IMMIGRATION

Telecommunications Industry Association

Teva Pharmaceutical Industries Limited

Trump Organization Inc.

Twitter Inc.

U.S. Chamber of Commerce

Verizon Communications

Volkswagen

Wells Fargo & Co.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Land Management

California Attorney General's Office

Centers for Disease Control and Prevention

Central Intelligence Agency

Congressional Budget Office

Consumer Financial Protection Bureau

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Railroad Administration

Federal Trade Commission

Fish and Wildlife Service

Food and Drug Administration

General Services Administration

Office of Inspector General

Government Accountability Office

Internal Revenue Service

National Institutes of Health

National Railroad Passenger Corporation

National Security Agency

Office of the Comptroller of the Currency

Surface Transportation Board

Transportation Security Administration

U.S. Copyright Office

U.S. Customs and Border Protection

U.S. Department of Homeland Security

U.S. Department of Justice

Permanent Block Of Trump Sanctuary City Order Likely: Judge

A California federal judge said Monday he's inclined to permanently block the government from enforcing President Donald Trump's executive order to withhold federal funds from so-called sanctuary cities, but he was reluctant to rule on a separate question of whether certain San Francisco immigration laws run afoul of federal law. [Read more »](#)

TELECOMMUNICATIONS

Biz Groups Rip Calif. Gov.'s Veto Of Wireless Coverage Bill

Three telecom industry organizations on Monday criticized California Gov. Jerry Brown's veto earlier this month of a bill that would have eased restrictions and set uniform rates for what local governments can charge for the installation of antennas and other equipment used for wireless services. [Read more »](#)

WHITE COLLAR

Ex-Rep. Schock Escapes 2 Charges In Fraud Case

Former U.S. Rep. Aaron Schock managed to shake two counts out of the 24 he's facing over allegations he stole more than \$100,000 when an Illinois federal judge ruled Monday the government had overstepped its constitutional bounds in one and repeated allegations in another. [Read more »](#)

EXPERT ANALYSIS

Anticipating Senate Questions For USPTO Director Nominee

A review of every U.S. Patent and Trademark Office director confirmation hearing since 1999 reveals the likely questions the Senate will ask Andrei Iancu at his upcoming hearing for that position, says Andrew Baluch, a partner at Smith Baluch LLP and former adviser at the USPTO. [Read more »](#)

New Immigration Policy Focuses On Alcohol-Related Charges

In an apparent change in policy, U.S. immigration authorities are now taking a hard-line approach to individuals who have alcohol-related charges or offenses, marking a significant shift in how U.S. Citizenship and Immigration Services and the U.S. Department of State treat visa holders in this predicament, says Ian Macdonald of Greenberg Traurig LLP. [Read more »](#)

In A Town's Fight Against Gas Drilling, Preemption Is Key

In *Seneca v. Highland Township*, a federal judge in Pennsylvania recently reiterated that local laws prohibiting natural gas drilling are preempted by state and federal statutes. While the township was creative in its tactics, the decision ultimately strengthens the industry's hand, and may expedite similar disputes in the future, says Garrett Trego of Manko Gold Katcher & Fox LLP. [Read more »](#)

Stockpiling Biologics Under Hatch-Waxman Protection

Recent biosimilars cases have raised questions regarding whether the Hatch-Waxman Act safe harbor provision protects commercial stockpiling. Though there is surprisingly little case law on this issue, the existing case law supports that stockpiling is at least partially protected, say attorneys with Haynes and Boone LLP. [Read more »](#)

Financial Crisis Anniversary

The Inside Counsel Revolution

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Sentencing Commission

U.S. Supreme Court

World Trade Organization

The role of the general counsel has significantly grown in importance, with the GC now often replacing the senior partner in the outside law firm as the primary counselor for the CEO and the board. This inside counsel revolution was given great impetus by the financial crisis that started 10 years ago, says Ben Heineman Jr., former general counsel of General Electric Co. [Read more »](#)

Series

Judging A Book: Pryor Reviews 'Scalia Speaks'

Christopher Scalia and Edward Whelan have published an indispensable collection of the late Justice Antonin Scalia's best speeches. "Scalia Speaks: Reflections on Law, Faith, and Life Well Lived" puts on full display Justice Scalia's skilled writing, quick wit and uncommon wisdom on a wide range of topics — from law to turkey hunting, says Judge William Pryor of the Eleventh Circuit. [Read more »](#)

LEGAL INDUSTRY

Dentons Ex-Atty Cops Lesser Plea In Extortion Suit

A former litigation associate at Dentons has pled guilty to a single misdemeanor, releasing him from felony extortion charges stemming from threats he allegedly made to release confidential materials taken from a partner's email account while demanding the firm pay him \$210,000 and hand over a piece of artwork in return. [Read more »](#)

Freshfields' Frankfurt Office Raided In Tax Evasion Probe

Authorities searched Freshfields Bruckhaus Deringer LLP's Frankfurt offices Friday in connection with a tax evasion investigation, the firm confirmed on Monday. [Read more »](#)

Atty Reprimanded For 'Angry Black Women' Remark

Michigan's Attorney Discipline Board reprimanded a Detroit lawyer for telling a probation officer at a hearing that she had "angry black women's syndrome" and "that's why you don't have a husband," according to court and media reports. [Read more »](#)

Ex-Chadbourne Partner May Be 4th To Join Gender Bias Suit

A former Chadbourne & Parke LLP partner who has come forward with gender discrimination claims against the firm could be added to a proposed class action being pursued by three other lawyers if her claims aren't settled, a New York federal judge was told Friday. [Read more »](#)

LSAT Dyslexia Accommodation Suit Tossed For Now

A Pennsylvania federal judge on Friday dismissed a woman's suit alleging the Law School Admission Council Inc. denied her request to accommodate her learning disabilities on an entrance exam, saying the claims are not yet ripe for review while offering her leave to amend her complaint. [Read more »](#)

15 Minutes With Teva Pharmaceuticals' General Counsel

David Stark was appointed acting chief legal officer of Teva Pharmaceuticals in 2014, a position he was tapped for permanently in November 2016. His appointment came after he rose up the ranks at Teva after first joining in 2002. [Read more »](#)

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Thursday, October 26, 2017



TOP NEWS

= 9

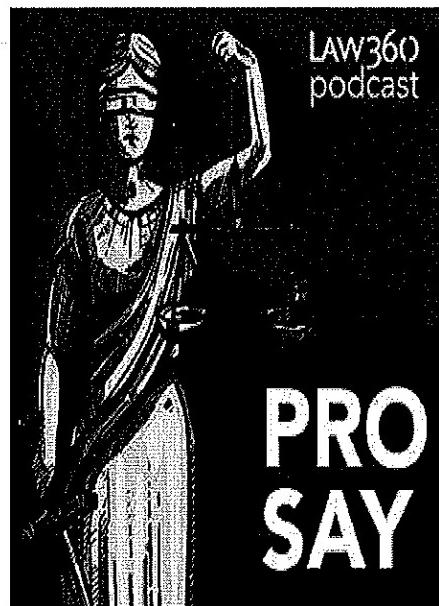
Trump Admin Need Not Pay ACA Subsidies, Judge Rules

A California federal judge on Wednesday refused to make the Trump administration immediately resume reimbursement of Affordable Care Act subsidies for health insurance copays and deductibles. [Read more »](#)

Analysis

4 Takeaways From The Demise Of The CFPB Arbitration Rule

A late Tuesday night U.S. Senate vote may have ended the suspense over the fate of the Consumer Financial Protection Bureau's rule that would have made it easier for consumers to file class action lawsuits against banks and



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LAW FIRMS

other financial firms, but it left open several questions about future regulation of arbitration clauses and payday loans. Here, Law360 looks at four takeaways from the vote to kill the arbitration rule. [Read more »](#)

= A

Don't Bet On Ginsburg Retiring Soon, High Court Vet Says = 9

President Donald Trump may not get to replace Justice Ruth Bader Ginsburg after all, Carter Phillips of Sidley Austin LLP suggested Wednesday, noting that, at age 84, the Supreme Court's oldest member has an "iron will and a desire at least to make it to the next election." = 9 [Read more »](#)

= 9

Judge Nixes Order Releasing Pair Of Benghazi Emails

A D.C. federal judge Tuesday reversed a decision compelling the State Department to release two emails concerning the 2012 attack on the U.S. consulate in Benghazi, Libya, after the government said it had accidentally neglected to invoke a Freedom of Information Act exemption for classified documents. [Read more »](#)

DHS Found Lacking In Verifying H-1B Visas, Watchdog Says

The U.S. Department of Homeland Security's Office of Inspector General said in a report released Friday that the agency needs to do a better job of verifying H-1B program participants, noting that site visits are insufficiently thorough and comprehensive. [Read more »](#)

= 9

= 9 Dems Say GOP Ducking Bigger Fish As Both Back Tariff Relief

Both parties of a House subcommittee on Wednesday urged Congress to revive the Miscellaneous Tariff Bill, a once-uncontroversial way to suspend tariffs on

Akin Gump
Anderson McPharlin
Arnold & Porter Kaye Scholer

Ballard Spahr

Bires Schaffer

Bradley Arant

Browning Kaleczyc

Buckley & Associates

Buckley Sandler

Carlton Fields

DLA Piper

= 9

Epstein Becker Green

Ferraiuoli LLC

Fox Rothschild

= 9

Goodwin

= 9

Greenbaum Rowe

Greenberg Traurig

Gupta Wessler

Hinshaw & Culbertson

Hogan Lovells

= 9

Hunton & Williams

Hyman Phelps

King & Spalding

Kirkland & Ellis

Klee Tuchin

Kobre & Kim

Konicek & Dillon

McDermott Will

McElroy Deutsch

Milbank Tweed

Morgan Lewis

Norton Rose Fulbright

O'Melveny & Myers

goods not made domestically for three-year periods, though Democrats said the hearing was another effort to duck bigger issues like NAFTA and tax reform. [Read more »](#)

FDA Defends Cigar Regs, Points To Consumer Misperceptions = 9

The U.S. Food and Drug Administration shot back Wednesday in D.C. federal court at smokers rights groups' challenge to a recent rule expanding regulations on cigars and pipe tobacco, saying expanded warning requirements and user fees are needed to call attention to underappreciated health risks. [Read more »](#)

ENERGY & ENVIRONMENTAL

= 9

Energy, Enviro Agencies Pose Ways To Cut Industry Slack

Changes to Clean Air Act standards, the acceleration of natural gas exports, and reviews of land use designations are among the initiatives federal agencies proposed Wednesday to comply with President Donald Trump's order to ease burdens on domestic energy production. [Read more »](#)

= 9

EPA Chemical, Air Nominees Survive Split Committee Vote

The Republican-controlled U.S. Senate Committee on Environment and Public Works on Wednesday advanced President Donald Trump's picks to lead the U.S. Environmental Protection Agency's chemical safety and air offices strictly along party lines, with committee Democrats vowing to fight the nominations on the Senate floor. = 9 [Read more »](#)

Dem AGs, Enviros Want Fuel Efficiency Penalty Delay Nixed

Five Democratic state attorneys general and a trio of environmental groups on Tuesday

O'Neill & Borges
Parker Poe
Paul Hastings
Proskauer Rose
Quinn Emanuel
Reed Smith
Seyfarth Shaw
Sidley Austin
Skadden
Stris & Maher
Tyson & Mendes
Weil Gotshal
Williams & Connolly
= 9
Willkie Farr
WilmerHale

COMPANIES

= 9
AdvaMed
Advantage Solutions Inc.
Alliance of Automobile Manufacturers
American Civil Liberties Union
American Farm Bureau Federation
American Petroleum Institute Inc.
= 9
American Psychiatric Association
= 9
AvePoint Inc.
= 9
Best Buy Co.
BlackRock
Cato Institute
= 9
Center for Biological Diversity Inc.
Center for Strategic and International Studies
= A
Deloitte Touche

urged the Second Circuit to immediately vacate a recent delay of an Obama-era rule raising penalties on automakers that don't meet fuel efficiency standards, or at least put it on hold while its legality is challenged. Read more »

Enviros Sue DOI For Emails From Oil, Hunting Groups= A

An environmental group has alleged the Interior Department unlawfully held back communications it has had with oil and natural gas lobbying groups, suing the agency Monday to have it release emails and other documents related to its communications with the energy and hunting industries. Read more »

HEALTH & LIFE SCIENCES

= 9

NJ Hospital Loses Medicaid Reimbursement Rate Appeal

The New Jersey Appellate Division on Wednesday shut down a hospital's long-running bid to recalculate its Medicaid reimbursement rate for the year 1995, ruling that the state properly applied a regulatory update imposing additional limitations on amounts medical providers could recoup for services. Read more »

= 9 Menendez Aide Pressed On Exception To Gifts Disclosure

A staffer to Sen. Bob Menendez said Wednesday at the bribery trial of the senator and a Florida ophthalmologist that he believed gifts from the doctor did not need to be reported on the senator's annual financial disclosure forms under a "friendship exception" that a prosecutor claimed does not exist. Read more »

IP & TECHNOLOGY

= 9

Digital Realty Trust Inc.
Electronic Frontier Foundation
Equifax Inc.
Experian
Federalist Society
Federation for American Immigration Reform
Feihe International Inc.
Global Automakers
= 9
Home Depot, Inc.
Immigration Reform Law Institute
Kaspersky Lab Ltd.
= 9
MGM Resorts International
Microsoft Corporation
= 9
Mohegan Sun
NBCUniversal Inc.
National Association of Consumer Advocates
National Collegiate Athletic Association
= 9
National Consumer Law Center

National Employment Law Project

National Restaurant Association
Natural Resources Defense Council
New York Times Co.
New York University
Office Depot Inc.
Sierra Club
Sinclair Broadcast Group, Inc.
Staples Inc.
TransUnion LLC
Tribune Media Co.

Trump Launches Program For State, Local Gov't Drone Testing

The White House launched a pilot program on Wednesday to expand the use of commercial drones by establishing new test sites across the country that federal, state, local and even tribal governments would jointly oversee. [Read more »](#) = 9

MEDIA & ENTERTAINMENT

= 9

FCC To Hold Nov. Vote On Relaxing Media Ownership Rules

FCC Chairman Ajit Pai revealed Wednesday that the agency plans to vote on changes to its media ownership rules at its next meeting, outlining a forthcoming order that could permit two of the top four stations in a market to merge when the stations would otherwise be in violation of the current rules. [Read more »](#)

= A

Advocacy Groups Urge Justices To Keep Sports Betting Ban

Several religious and public policy advocacy groups warned the U.S. Supreme Court on Monday of the dangers state-sponsored sports betting would pose to the nation, urging the high court to reject New Jersey's constitutional challenge to a related federal ban. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

San Juan Mayor Wants Contentious Grid Repair Deal Nixed

The mayor of San Juan, Puerto Rico, urged the island's administration on Wednesday to void a contentious \$300 million sole-source contract awarded to a small Montana firm to help restore the island's battered electricity grid, a deal that has also attracted significant scrutiny from federal lawmakers. [Read more »](#)

Twitter Inc.

U.S. Chamber of Commerce

Yahoo! Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Land Management

Central Intelligence Agency

Commodity Futures Trading Commission

Congressional Budget Office

Consumer Financial Protection Bureau

= 9

Department of Commerce

Equal Employment Opportunity Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

= 9

Federal Deposit Insurance Corp.

Federal Election Commission

Federal Emergency Management Agency

Federal Housing Finance Agency

= 9

Federal Reserve System

Fish and Wildlife Service

Food and Drug Administration

= 9

Government Accountability Office

International Trade Commission

Mashantucket Pequot Tribal Nation

NAFTA

National Economic Council

EMPLOYMENT

= 9

DOL's Restaurant Tip Pool Rollback Advances Amid Debate

= 9

The U.S. Department of Labor sent the Office of Management and Budget its proposal to rescind a 2011 rule barring businesses from including nontipped workers in tip pools Tuesday, moving the controversial regulation one step closer to its expected end.

[Read more »](#)

= 9

III. House Can't Override Veto On Right-To-Work Zone Law

Missing the mark by one vote, the Democratically controlled Illinois House on Wednesday failed to override Gov. Bruce Rauner's veto on a bill that would ban right-to-work zones in Illinois, a pet priority of the Republican's administration.

= 9 [Read more »](#)

Forced Halloween Party Attendance Was Bias, Worker Says

A disabled, black, Christian ex-employee of BSN Sports LLC filed a discrimination lawsuit against the uniform and equipment retailer in Texas federal court Wednesday, alleging she was fired after enduring months of comments criticizing her religion, race and disability, culminating with forced attendance at a Halloween event that violated her beliefs.

[Read more »](#)

PRIVACY & CYBERSECURITY

= 9

Senate Intel Panel Approves Renewal Of Surveillance Powers

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National Highway Traffic Safety Administration

National Security Agency

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New York State Department of Health

Nuclear Regulatory Commission

Office of the Comptroller of the Currency

Privacy & Civil Liberties Oversight Board

Securities and Exchange Commission

U.S. Customs and Border Protection

U.S. Department of Defense

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U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Senate

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Tension Between Legal Marijuana Use And Employer Rights = 9

Earlier this year Florida Gov. Rick Scott signed a bill that provides certain patients the right to use marijuana for medical purposes. However, the law specifically states that employers are not required to accommodate medical marijuana use in any respect, which is a conflict that causes confusion and consternation for legal marijuana users and their employers, say Jonathan Crotty and Sarah Douglas of Parker Poe Adams & Bernstein LLP. [Read more »](#)

Series

Making Pro Bono Work: Building Sponsorship Relationships

Within their first year, associates should make it a priority to take on a pro bono matter and approach a partner about supervising the project. By collaborating with a partner on a pro bono case, young associates can cultivate sponsorship relationships while simultaneously contributing to the public good, say Michael Scudder and Jay Mitchell of Skadden Arps Slate Meagher & Flom LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

How Law Firms Are Failing To Keep Clients' Data Safe

News broke Tuesday night that client data was stolen from offshore law firm Appleby in a cyberattack, and as the firm deals with the consequences of the breach, cybersecurity experts say Appleby is not alone — most law firms have a major data security problem.

[Read more »](#)

= 9

Litigation Volume Lets Up For US Companies, Report Says

There was an overall decline in litigation between 2016 and 2017, with the average number of suits filed against large organizations falling from 30 to 25, as more companies start to use preventive measures and early case resolution, a report released Wednesday found.

[Read more »](#)

Analysis

3 Ways To Avoid Ethical Pitfalls In High-Low Settlements

High-low settlements, in which a defendant agrees to pay a minimum figure in exchange for protection from a runaway verdict, are widely accepted by courts and arbitrators but also carry some special ethical considerations for lawyers. Here are three things attorneys should know to meet their professional duties when it comes to high-low settlements.

[Read more »](#)

= A

DC Circ. Judge Cautions Against Statutory Interpretation

When deciding cases, judges too often make "dangerous" determinations that a law is ambiguous, which allows them to move into areas of subjective statutory interpretation, D.C. Circuit Judge Brett Kavanaugh said during a keynote speech Wednesday at the Heritage Foundation in Washington, D.C.

[Read more »](#)

Series

What I Learned In My 1st Year: Be A Sponge

As a new attorney, it was astonishing to realize how little I knew. I soon began to appreciate that everyone I met had a unique take or way of doing something. Many things I learned during that first year from my colleagues are still incorporated into my practice today, says Patrick Mendes of Tyson & Mendes LLP. [Read more »](#)

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Thursday, October 26, 2017



TOP NEWS

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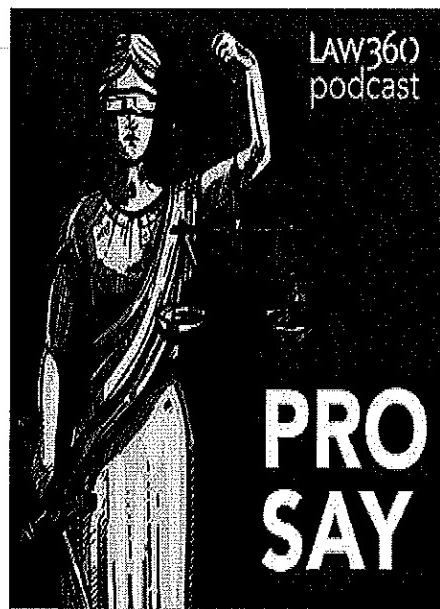
Trump Admin Need Not Pay ACA Subsidies, Judge Rules

A California federal judge on Wednesday refused to make the Trump administration immediately resume reimbursement of Affordable Care Act subsidies for health insurance copays and deductibles. [Read more »](#)

Analysis

4 Takeaways From The Demise Of The CFPB Arbitration Rule

A late Tuesday night U.S. Senate vote may have ended the suspense over the fate of the Consumer Financial Protection Bureau's rule that would have made it easier for consumers to file class action lawsuits against banks and



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LAW FIRMS

other financial firms, but it left open several questions about future regulation of arbitration clauses and payday loans. Here, Law360 looks at four takeaways from the vote to kill the arbitration rule. [Read more »](#)

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Don't Bet On Ginsburg Retiring Soon, High Court Vet Says = 9

President Donald Trump may not get to replace Justice Ruth Bader Ginsburg after all, Carter Phillips of Sidley Austin LLP suggested Wednesday, noting that, at age 84, the Supreme Court's oldest member has an "iron will and a desire at least to make it to the next election." = 9 [Read more »](#)

= 9

Judge Nixes Order Releasing Pair Of Benghazi Emails

A D.C. federal judge Tuesday reversed a decision compelling the State Department to release two emails concerning the 2012 attack on the U.S. consulate in Benghazi, Libya, after the government said it had accidentally neglected to invoke a Freedom of Information Act exemption for classified documents. [Read more »](#)

DHS Found Lacking In Verifying H-1B Visas, Watchdog Says

The U.S. Department of Homeland Security's Office of Inspector General said in a report released Friday that the agency needs to do a better job of verifying H-1B program participants, noting that site visits are insufficiently thorough and comprehensive. [Read more »](#)

= 9

= 9 Dems Say GOP Ducking Bigger Fish As Both Back Tariff Relief

Both parties of a House subcommittee on Wednesday urged Congress to revive the Miscellaneous Tariff Bill, a once-uncontroversial way to suspend tariffs on

Akin Gump
Anderson McPharlin
Arnold & Porter Kaye Scholer
Ballard Spahr
Bires Schaffer
Bradley Arant
Browning Kaleczyc

Buckley & Associates

Buckley Sandler
Carlton Fields
DLA Piper
= 9
Epstein Becker Green
Ferraiuoli LLC
Fox Rothschild
= 9
Goodwin
= 9
Greenbaum Rowe
Greenberg Traurig
Gupta Wessler
Hinshaw & Culbertson
Hogan Lovells
= 9
Hunton & Williams
Hyman Phelps
King & Spalding
Kirkland & Ellis
Klee Tuchin
Kobre & Kim
Konicek & Dillon
McDermott Will
McElroy Deutsch
Milbank Tweed
Morgan Lewis
Norton Rose Fulbright
O'Melveny & Myers

goods not made domestically for three-year periods, though Democrats said the hearing was another effort to duck bigger issues like NAFTA and tax reform. [Read more »](#)

FDA Defends Cigar Regs, Points To Consumer Misperceptions = 9

The U.S. Food and Drug Administration shot back Wednesday in D.C. federal court at smokers rights groups' challenge to a recent rule expanding regulations on cigars and pipe tobacco, saying expanded warning requirements and user fees are needed to call attention to underappreciated health risks. [Read more »](#)

ENERGY & ENVIRONMENTAL

= 9

Energy, Enviro Agencies Pose Ways To Cut Industry Slack

Changes to Clean Air Act standards, the acceleration of natural gas exports, and reviews of land use designations are among the initiatives federal agencies proposed Wednesday to comply with President Donald Trump's order to ease burdens on domestic energy production. [Read more »](#)

= 9

EPA Chemical, Air Nominees Survive Split Committee Vote

The Republican-controlled U.S. Senate Committee on Environment and Public Works on Wednesday advanced President Donald Trump's picks to lead the U.S. Environmental Protection Agency's chemical safety and air offices strictly along party lines, with committee Democrats vowing to fight the nominations on the Senate floor. = 9 [Read more »](#)

Dem AGs, Enviros Want Fuel Efficiency Penalty Delay Nixed

Five Democratic state attorneys general and a trio of environmental groups on Tuesday

O'Neill & Borges
Parker Poe
Paul Hastings
Proskauer Rose
Quinn Emanuel
Reed Smith
Seyfarth Shaw
Sidley Austin
Skadden
Stris & Maher
Tyson & Mendes
Weil Gotshal
Williams & Connolly

= 9

Willkie Farr
WilmerHale

COMPANIES

= 9
AdvaMed
Advantage Solutions Inc.
Alliance of Automobile Manufacturers
American Civil Liberties Union
American Farm Bureau Federation
American Petroleum Institute Inc.
= 9
American Psychiatric Association
= 9
AvePoint Inc.
= 9
Best Buy Co.
BlackRock
Cato Institute
= 9
Center for Biological Diversity Inc.
Center for Strategic and International Studies
= A
Deloitte Touche

urged the Second Circuit to immediately vacate a recent delay of an Obama-era rule raising penalties on automakers that don't meet fuel efficiency standards, or at least put it on hold while its legality is challenged. Read more »

Enviros Sue DOI For Emails From Oil, Hunting Groups= A

An environmental group has alleged the Interior Department unlawfully held back communications it has had with oil and natural gas lobbying groups, suing the agency Monday to have it release emails and other documents related to its communications with the energy and hunting industries. Read more »

HEALTH & LIFE SCIENCES

= 9

NJ Hospital Loses Medicaid Reimbursement Rate Appeal

The New Jersey Appellate Division on Wednesday shut down a hospital's long-running bid to recalculate its Medicaid reimbursement rate for the year 1995, ruling that the state properly applied a regulatory update imposing additional limitations on amounts medical providers could recoup for services. Read more »

= 9 Menendez Aide Pressed On Exception To Gifts Disclosure

A staffer to Sen. Bob Menendez said Wednesday at the bribery trial of the senator and a Florida ophthalmologist that he believed gifts from the doctor did not need to be reported on the senator's annual financial disclosure forms under a "friendship exception" that a prosecutor claimed does not exist. Read more »

IP & TECHNOLOGY

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Digital Realty Trust Inc.
Electronic Frontier Foundation
Equifax Inc.
Experian
Federalist Society
Federation for American Immigration Reform
Feihe International Inc.
Global Automakers
= 9
Home Depot, Inc.
Immigration Reform Law Institute
Kaspersky Lab Ltd.
= 9
MGM Resorts International
Microsoft Corporation
= 9
Mohegan Sun
NBCUniversal Inc.
National Association of Consumer Advocates
National Collegiate Athletic Association
= 9
National Consumer Law Center

National Employment Law Project

National Restaurant Association
Natural Resources Defense Council
New York Times Co.
New York University
Office Depot Inc.
Sierra Club
Sinclair Broadcast Group, Inc.
Staples Inc.
TransUnion LLC
Tribune Media Co.

Trump Launches Program For State, Local Gov't Drone Testing

The White House launched a pilot program on Wednesday to expand the use of commercial drones by establishing new test sites across the country that federal, state, local and even tribal governments would jointly oversee.

[Read more »](#) = 9

MEDIA & ENTERTAINMENT

= 9

FCC To Hold Nov. Vote On Relaxing Media Ownership Rules

FCC Chairman Ajit Pai revealed Wednesday that the agency plans to vote on changes to its media ownership rules at its next meeting, outlining a forthcoming order that could permit two of the top four stations in a market to merge when the stations would otherwise be in violation of the current rules.

[Read more »](#) = A

Advocacy Groups Urge Justices To Keep Sports Betting Ban

Several religious and public policy advocacy groups warned the U.S. Supreme Court on Monday of the dangers state-sponsored sports betting would pose to the nation, urging the high court to reject New Jersey's constitutional challenge to a related federal ban.

TRANSPORTATION & INFRASTRUCTURE

San Juan Mayor Wants Contentious Grid Repair Deal Nixed

The mayor of San Juan, Puerto Rico, urged the island's administration on Wednesday to void a contentious \$300 million sole-source contract awarded to a small Montana firm to help restore the island's battered electricity grid, a deal that has also attracted significant scrutiny from federal lawmakers.

[Read more »](#)

Twitter Inc.

U.S. Chamber of Commerce

Yahoo! Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Bureau of Land Management

Central Intelligence Agency

Commodity Futures Trading Commission

Congressional Budget Office

Consumer Financial Protection Bureau

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Department of Commerce

Equal Employment Opportunity Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

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Federal Deposit Insurance Corp.

Federal Election Commission

Federal Emergency Management Agency

Federal Housing Finance Agency

= 9

Federal Reserve System

Fish and Wildlife Service

Food and Drug Administration

= 9

Government Accountability Office

International Trade Commission

Mashantucket Pequot Tribal Nation

NAFTA

National Economic Council

EMPLOYMENT

= 9

DOL's Restaurant Tip Pool Rollback Advances Amid Debate

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The U.S. Department of Labor sent the Office of Management and Budget its proposal to rescind a 2011 rule barring businesses from including nontipped workers in tip pools Tuesday, moving the controversial regulation one step closer to its expected end.

[Read more »](#)

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III. House Can't Override Veto On Right-To-Work Zone Law

Missing the mark by one vote, the Democratically controlled Illinois House on Wednesday failed to override Gov. Bruce Rauner's veto on a bill that would ban right-to-work zones in Illinois, a pet priority of the Republican's administration.

= 9 [Read more »](#)

Forced Halloween Party Attendance Was Bias, Worker Says

A disabled, black, Christian ex-employee of BSN Sports LLC filed a discrimination lawsuit against the uniform and equipment retailer in Texas federal court Wednesday, alleging she was fired after enduring months of comments criticizing her religion, race and disability, culminating with forced attendance at a Halloween event that violated her beliefs.

[Read more »](#)

PRIVACY & CYBERSECURITY

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Trending In Telehealth: Behavioral Health Services

An increasing number of behavioral health care professionals are becoming more and more interested in using telehealth platforms to connect with their patients, and there is much new and updated guidance from states regarding the practice of providing such services in this space, says Amy Lerman of Epstein Becker & Green PC. [Read more »](#)

Tension Between Legal Marijuana Use And Employer Rights = 9

Earlier this year Florida Gov. Rick Scott signed a bill that provides certain patients the right to use marijuana for medical purposes. However, the law specifically states that employers are not required to accommodate medical marijuana use in any respect, which is a conflict that causes confusion and consternation for legal marijuana users and their employers, say Jonathan Crofty and Sarah Douglas of Parker Poe Adams & Bernstein LLP. [Read more »](#)

Series

Making Pro Bono Work: Building Sponsorship Relationships

Within their first year, associates should make it a priority to take on a pro bono matter and approach a partner about supervising the project. By collaborating with a partner on a pro bono case, young associates can cultivate sponsorship relationships while simultaneously contributing to the public good, say Michael Scudder and Jay Mitchell of Skadden Arps Slate Meagher & Flom LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

How Law Firms Are Failing To Keep Clients' Data Safe

News broke Tuesday night that client data was stolen from offshore law firm Appleby in a cyberattack, and as the firm deals with the consequences of the breach, cybersecurity experts say Appleby is not alone — most law firms have a major data security problem.

[Read more »](#)

= 9

Litigation Volume Lets Up For US Companies, Report Says

There was an overall decline in litigation between 2016 and 2017, with the average number of suits filed against large organizations falling from 30 to 25, as more companies start to use preventive measures and early case resolution, a report released Wednesday found.

[Read more »](#)

Analysis

3 Ways To Avoid Ethical Pitfalls In High-Low Settlements

High-low settlements, in which a defendant agrees to pay a minimum figure in exchange for protection from a runaway verdict, are widely accepted by courts and arbitrators but also carry some special ethical considerations for lawyers. Here are three things attorneys should know to meet their professional duties when it comes to high-low settlements.

[Read more »](#)

= A

DC Circ. Judge Cautions Against Statutory Interpretation

When deciding cases, judges too often make “dangerous” determinations that a law is ambiguous, which allows them to move into areas of subjective statutory interpretation, D.C. Circuit Judge Brett Kavanaugh said during a keynote speech Wednesday at the Heritage Foundation in Washington, D.C.

[Read more »](#)

Series

What I Learned In My 1st Year: Be A Sponge

As a new attorney, it was astonishing to realize how little I knew. I soon began to appreciate that everyone I met had a unique take or way of doing something. Many things I learned during that first year from my colleagues are still incorporated into my practice today, says Patrick Mendes of Tyson & Mendes LLP. [Read more »](#)

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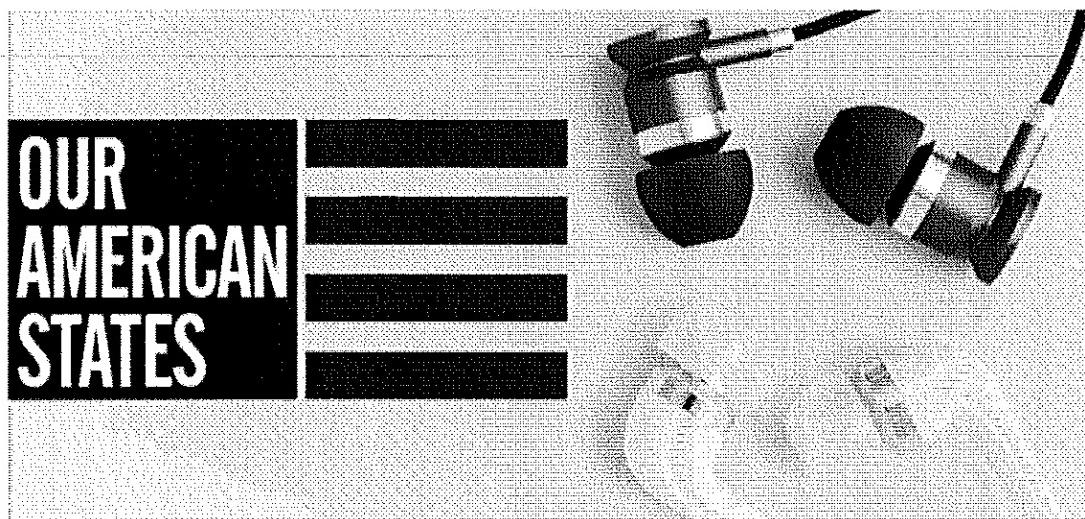
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NATIONAL CONFERENCE
of STATE LEGISLATURES

U.S. Supreme Court Cases to Watch This Term



Five cases that the U.S. Supreme Court has put on its docket for the current term could have a significant impact on states. State legislatures are waiting for decisions on these cases, and could

Don't miss these
past episodes of
Our American
States:

cause them to change state laws depending on how the court rules. And a potentially explosive sixth case is waiting in the wings.

Our guests this episode are **Lisa Soronen**, executive director of the State and Local Legal Center, and **Susan Frederick**, senior federal affairs counsel at NCSL.

The cases we examine are:

- *Gill v. Whitford*, a Wisconsin case in which the court may decide whether partisan gerrymandering is unconstitutional.
- *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, looks at whether Colorado's public accommodations law violates a cake artist's First Amendment free speech and free exercise rights.
- *Janus v. American Federation of State, County and Municipal Employees* the court will address whether unions can collect dues from nonmembers.
- *Husted v. A. Philip Randolph Institute* looks at Ohio's procedures to remove voters from their rolls after four years of inactivity.
- *Christie v. National Collegiate Athletic Association* may decide how far Congress can regulate states and localities in the absence of comprehensive federal regulation.

And, as a bonus, we'll discuss what could happen if the court accepts a South Dakota case that could overturn the 1992 *Quill Corp v North Dakota*, which said states could not force business to collect sales or use taxes unless it has a physical presence in a state.

The Role of States
and Governments
in Natural Disasters

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More Than
Elections

School Buses;
Safety and Seat
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Federalism: The
"Hamilton" State
Legislative Mix
Tape

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Tuesday, November 14, 2017



TOP NEWS

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Analysis

3 Fast Facts About Trump's Pick For HHS Chief

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= A

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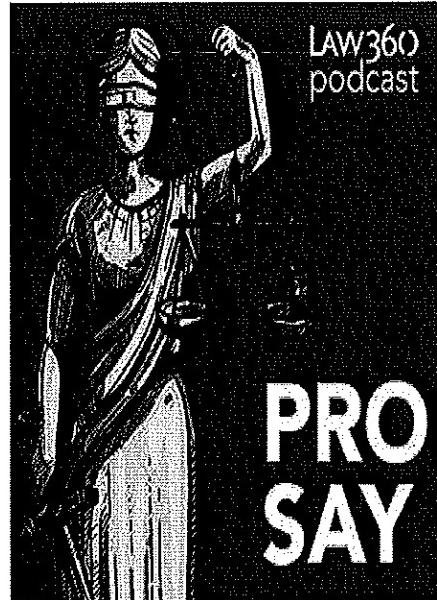
Trump Taps Vet Of BigLaw, Big Pharma As Next HHS Chief = 9

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Covington & Burling

Cravath Swaine

Crowell & Moring

Cullen Law Firm

DLA Piper

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Debevoise & Plimpton

Dechert

Dentons

Dowd Bloch

Drinker Biddle

Earthjustice

Fisher Phillips

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Justices Will Hear Suit Over Calif. Abortion Disclosure Law

The U.S. Supreme Court on Monday agreed to consider whether a California law requiring clinics to tell women how to access information about low-cost contraception and abortions violates the First Amendment rights of providers who oppose abortion. [Read more »](#)

= 9

GOP Senator Wants Moore Expelled If He Wins Alabama Seat

Emboldened Republican Alabama Senate Candidate Roy Moore continued to take heat from GOP Senate leaders Monday over allegations from multiple women of sexual misconduct when they were teenagers, with Colorado's Cory Gardner saying Moore should be expelled should he win next month's special election. [Read more »](#)

BANKING & SECURITIES

Sens. Strike Deal To Raise Threshold For Tougher Bank Rules

= 9 A bipartisan group of senators on Monday unveiled a narrow deal to ease bank rules, including raising the asset level at which banks are subjected to enhanced supervision and other measures aimed at easing compliance for community banks. [Read more »](#)

= 9

= 9 Swaps Overhaul Should Boost Market Vibrancy: CFTC Chair = 9

An overhaul of the swaps market proposed in the 2010 Dodd-Frank Act should be reviewed to ensure that the policies enhance rather than restrict market ? Cvibrancy," U.S. Commodity Futures Trading Commission Chairman J. Christopher Giancarlo said Monday. [Read more »](#)

ENERGY & ENVIRONMENTAL

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Fox Rothschild
Greenbaum Rowe

Hogan Lovells

Holland & Knight
Hunton & Williams

Jackson Lewis

Jenner & Block

Jones Day

Kirkland & Ellis

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Kobre & Kim

Lawyers' Committee for Civil Rights

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Locke Lord

Mayer Brown

McDermott Will

Morgan Lewis

Norris McLaughlin

Norton Rose Fulbright

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O'Melveny & Myers

O'Neill & Borges

Paul Hastings

= 9

Proskauer Rose

Schiff Hardin

Shook Hardy

Sidley Austin

Skadden

Steptoe & Johnson LLP

Venable LLP

Wiley Rein

Winston & Strawn

Zuckerman Spaeder

= 9

Ex-EPA Attys Blast Pruitt's Sue-and-Settle Directive

U.S. Environmental Protection Agency Administrator Scott Pruitt's recent directive that the agency curb so-called sue-and-settle agreements is based on unfounded claims of EPA collusion with environmental groups, is biased in favor of industry and will likely lead to lengthier and costlier litigation, dozens of former EPA attorneys said Monday. Read more »

Enviros Slam EPA Bid To Sever Coal Ash Issues From Case

Green groups on Monday urged the D.C. Circuit to reject the U.S. Environmental Protection Agency's request that the court remand elements of a coal ash disposal rule to the agency for reconsideration rather than decide legal challenges to them. Read more »

Dover Makes \$7.4M Deal To Clean Up Ohio Superfund Site = 9

Dover Chemical Corp. has agreed to a \$7.4 million cleanup effort at an Ohio Superfund site, the U.S. Department of Justice said Monday. Read more »

HEALTH & LIFE SCIENCES

= 9

Deadlocked Menendez Jurors Are Told To 'Clear Your Heads'

The jurors hearing the bribery trial of Sen. Bob Menendez and a Florida ophthalmologist said Monday that they were deadlocked on all charges, leading a New Jersey federal judge to tell them to break for the day, "clear your heads" and resume deliberations Tuesday morning. Read more »

= 9

NJ Doctor Accused Of Recklessly Pushing Addictive Opioids

A family physician has been temporarily suspended after he was accused of

COMPANIES

Airbnb Inc.

Alliance Defending Freedom

Amazon.com Inc.

America's Essential Hospitals

American Airlines Group Inc.

= 9

American Bankers Association

American Bar Association

American Federation of State, County and Municipal Employees

American Hospital Association

American International Group Inc.

American Public Power Association

Americans United for Life

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Apple Inc.

Associated Electric Cooperative Inc.

Association of American Medical Colleges

BB&T Corporation

Bain & Company Inc.

Bank of America Corporation

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Better Markets Inc.

BuzzFeed Inc.

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Cable News Network Inc.

Cato Institute

Center for Constitutional Rights

Citigroup Inc.

City Utilities of Springfield Inc.

Computer & Communications Industry Association

Deloitte Touche

Deutsche Post

Edison Electric Institute Inc.

indiscriminately prescribing medically unnecessary, highly addictive opioids to patients, the New Jersey Office of the Attorney General announced Monday. Read more » = 9

Health Alliance Sues For \$21M In ACA Risk Corridor Claims

Insurer Health Alliance Medical Plans has sued the federal government in the Court of Federal Claims, alleging it has been unlawfully stiffed on more than \$21 million in Affordable Care Act "risk corridor" payments it is owed for 2016. Read more » = 9

MEDIA & ENTERTAINMENT

= 9

Fla. Senate Bill Aims For Narrower Gaming Reform

A gaming reform bill filed in the Florida Senate on Monday takes a more narrow approach than the ambitious but unsuccessful efforts of recent years, but an anti-gaming group said provisions paving the way for fantasy contests and so-called designated player games raise major concerns. Read more »

Watchdog Orgs. Urge Transparency In Online Election Ads

= 9 Technology and privacy advocacy groups told the Federal Election Commission Friday that it should require disclosures in online political ads after covert Russia-sponsored propaganda was found to have influenced the 2016 presidential election, with at least one group suggesting that broadcast advertising guidelines should apply to web content. = 9
Read more »

EMPLOYMENT

Analysis

5 Employee Wellness Program Tips As EEOC Revisits Regs

= 9

Electronic Privacy Information Center

Eli Lilly and Company

= 9

Ernst & Young

Facebook

FedEx Corporation

Financial Industry Regulatory Authority Inc.

Florida Power & Light Co.

Fordham University

Goldman Sachs Group Inc.

Google Inc.

H. J. Heinz Company

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Human Rights Campaign

ICC Industries

Independent Community Bankers of America

= 9

International Swaps and Derivatives Association

= 9

JPMorgan Chase & Co.

Kraft Foods Inc.

Lawyers' Committee for Civil Rights Under Law

= 9

Lehman Brothers Holdings Inc.

= 9

LinkedIn Corp.

Long Island Rail Road Co.

Lyft Inc.

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NAACP Legal Defense and Educational Fund Inc.

National Collegiate Athletic Association

National Federation of Independent Business

As the U.S. Equal Employment Opportunity Commission conducts a court-ordered review of its wellness program rules, employers that offer such programs must remain cautious about not penalizing workers too harshly if they don't participate and be ready to alter their programs if the regulations change. Here, attorneys share five wellness program tips employers should keep in mind as the EEOC re-evaluates its rules. [Read more »](#)

= 9

High Court Turns Away 4 Notable Employment Cases

The U.S. Supreme Court declined Monday to take up a few notable labor and employment cases, including suits concerning the legality of exclusive bargaining by public sector labor unions, job applicants' standing to sue under the Fair Credit Reporting Act and the National Labor Relations Board's jurisdiction over certain transportation companies. [Read more »](#)

= A

High Court Won't Hear Health Care Workers' Bargaining Suit

The Supreme Court on Monday declined to take up an appeal brought by day care owners and home health care workers in Illinois who challenged a state law that allows public sector unions to negotiate on their behalf even though they're not full-fledged public employees. [Read more »](#)

USCIS Spells Out 'Function Manager' Position Guidelines

= 9 U.S. Citizenship and Immigration Services released a new adopted-decision policy memo Thursday that lays out the requirements for an immigrant to be employed as a "function manager." = 9 [Read more »](#) = 9

PRIVACY & CYBERSECURITY

House OKs Increased Market Data Security Requirements

National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association
= 9
National Women's Law Center
New York Times Co.
Nomura Holdings, Inc.
Pacific Legal Foundation
Planned Parenthood Federation
PricewaterhouseCoopers
Public Broadcasting Service
Reed Elsevier
Regions Financial Corporation
SIFMA
Schlumberger Limited
= 9
Service Employees International Union
Sierra Club
Spectrum Communications Inc.
Spokeo Inc.
State Street Corp.
= 9
The Royal Bank of Scotland Group PLC
Twitter Inc.
= 9
Washington Post Co.
Wells Fargo & Co.
Yelp Inc.
= A
GOVERNMENT AGENCIES
Alabama Attorney General's Office
Bureau of Citizenship and Immigration Services
Bureau of Reclamation
Centers for Medicare & Medicaid Services

= 9 Citing an increased risk from data breaches, the U.S. House of Representatives approved a bill Monday that would increase security requirements for market data held by the Securities and Exchange Commission and the Financial Industry Regulatory Authority. [Read more »](#)

GOVERNMENT CONTRACTS

= 9

House Passes Bill Expanding Agency Acquisition Options

The House of Representatives passed a bill Monday that would alter how federal agencies weigh the cost of renting equipment against purchasing it when making buying decisions. [Read more »](#)

INTERNATIONAL TRADE

Analysis

TPP Revival Effort Leaves US Out In The Cold

= 9 The 11 countries still under the Trans-Pacific Partnership umbrella revived the beleaguered pact over the weekend with tweaks to its intellectual property and shipping provisions, in a move that experts say will leave the U.S. vulnerable in the crucial Asia-Pacific region as the Trump administration narrows its trade focus. [Read more »](#)

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US, Vietnam Announce \$12 Billion In New Trade Deals

= 9

President Donald Trump and Vietnamese President Tran Dai Quang announced \$12 billion in new trade deals during a visit by Trump to Hanoi, Vietnam, this weekend, with both leaders vowing to deepen trade ties and cooperation between the two nations, according to an announcement by the White House Monday. [Read more »](#)

Committee on Foreign Investment in the United States

Commodity Futures Trading Commission

Congressional Budget Office
Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

Executive Office of the President
Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Election Commission

Federal Financial Institutions Examination Council

Federal Reserve System

Federal Trade Commission

Florida State Senate

Food and Drug Administration

Government Accountability Office

NAFTA

= 9

National Labor Relations Board

National Mediation Board

National Railroad Passenger Corporation

New York Attorney General's Office

= 9

Office of the Comptroller of the Currency

Office of the Director of National Intelligence

Securities and Exchange Commission

TAX

= 9

A House And Senate Divided Over Property Tax Deduction

Just days after the Senate unveiled its version of tax reform legislation, House Ways and Means Committee Chairman Kevin Brady said the measure wouldn't pass in the lower chamber unless it includes some level of relief for property taxes. [Read more »](#)

= 9

Senate Dems Cry Foul Over Tax Reform Process

Democrats on the Senate Finance Committee accused their Republican colleagues Monday of shutting them out of the tax reform process during the opening hearing for a bill that would slash \$1.5 trillion in taxes over the next decade. [Read more »](#)

= A

Senate Tax Bill Squeaks Under \$1.5T Deficit Cap, Report Says

A recent report by the Joint Committee on Taxation found that the Senate Republicans' tax overhaul bill would deplete federal coffers by slightly less than the \$1.5 trillion limit for passing the measure under fast-track rules, but additional revenue losses after 10 years could still present a roadblock. [Read more »](#)

= A

Big 4 Corp. Clients Likelier To Use Tax Havens, Study Says

Companies that use one of the Big Four accounting firms are more likely to allocate income to alleged tax havens — even if they don't use the firms for tax planning, according to a study released Monday by activist group Tax Justice Network. = A [Read more »](#)

BANKRUPTCY

Seminole Tribe of Florida

Texas Department of Transportation

Transportation Security Administration

U.S. Coast Guard

U.S. Customs and Border Protection

= 9

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House of Representatives

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U.S. Immigration and Customs Enforcement

U.S. Postal Service

U.S. Senate

= 9

U.S. Supreme Court

United Nations

World Trade Organization

Puerto Rico Gov't Wins Autonomy Fight Over Electric Co.

The judge presiding over Puerto Rico's historic restructuring proceedings ruled Monday that the territory's insolvent electric company will remain under local government control as it restructures \$9 billion worth of debt and addresses operational weaknesses, blocking a federal panel from installing an emergency manager to run the utility. [Read more »](#)

IMMIGRATION

= 9

High Court Urged To Review Convicted Resident's Deportation

= 9

A Dominican man who is a lawful permanent resident of the U.S. has urged the U.S. Supreme Court to review his bid to cancel a removal order after he tried to re-enter the country after a brief vacation with a record of prior convictions for drug offenses. [Read more »](#)

= 9

Rep. Slams Rejection Of DACA Applications Delayed In Mail

An Illinois congressman said Friday that it was "unacceptable" for federal officials to deny at least 21 renewal applications for the endangered Deferred Action for Childhood Arrivals program that were sent on time but apparently mishandled by the U.S. Postal Service. [Read more »](#)

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NATIVE AMERICAN

FCC Hires Head For Tribal Affairs Policy Office

= A

The Federal Communications Commission has hired an experienced attorney and policy analyst with a background in energy and Indian

water-rights issues to direct the office overseeing the deployment of telecommunications throughout Indian Country, the agency announced Monday.

[Read more »](#)

= A CIVIL RIGHTS

= 9

Legal, Civil Rights Groups Chime In On High Court Cake Row

A host of civil rights organizations including legal-oriented advocacy groups has urged the U.S. Supreme Court to reject a Christian baker's contention that his First Amendment rights enabled him to overstep state discrimination laws when he refused to make a cake for a same-sex couple's wedding. [Read more »](#)

WHITE COLLAR

JPMorgan, FCA Whistleblower Get Testy Welcome At DC Circ.

A D.C. Circuit panel on Monday greeted a would-be whistleblower with a flurry of questions on the underlying nature of his False Claims Act suit against JPMorgan Chase as he tries to revive accusations that the company failed to live up to responsible mortgage lending obligations agreed to under a post-financial crisis settlement. = 9 [Read more »](#) = 9

PEOPLE

Senate Approves Lyft GM For Senior DOT Role

The Senate confirmed Lyft Inc.'s general manager for the number three spot at the U.S. Department of Transportation on Monday, sending President Donald Trump's pick Derek Kan to head the department's policy arm. [Read more »](#)

Fla. City Attorney Leaving For US Labor Dept. Job

The city attorney for Coral Gables, Florida, is departing to take a position with the U.S. Labor Department after six years in which he helped grow the city attorney's office and built a reputation for defending home rule rights and inclusion for the disabled, according to city leaders. [Read more »](#)

= 9

Trump Nominates Holland & Knight Partner To Be GC Of DNI

A Holland & Knight LLP partner with years of government experience in counterterrorism, government procurement and regulatory compliance was named by President Donald Trump on Monday for a position as the top lawyer for the Office of the Director of National Intelligence. [Read more »](#) = 9

EXPERT ANALYSIS

New Bipartisan CFIUS Reform Begins To Take Shape

The Foreign Investment Risk Review Modernization Act of 2017 introduced last week is intended to strengthen the Committee on Foreign Investment in the United States and address the committee's perceived inadequacies. If enacted, this legislation would reflect the most significant changes to CFIUS in the last decade, say attorneys with Kirkland & Ellis LLP. [Read more »](#) = A

How Tax Reform Could Impact The Health Care Industry

The U.S. House and Senate have now both detailed their tax reform plans, and both plans could have significant effects on the health care industry. Lower corporate tax rates could benefit companies in the health sector, but changes to the orphan drug tax credit and medical expense deduction would be damaging, say attorneys at Debevoise & Plimpton LLP. [Read more »](#) = B

= 9

Gov't Use Of Travel Act To Charge Corruption Might Backfire

Federal prosecutors may be hoping that Travel Act charges against the NCAA basketball coaches and others avoid the U.S. Supreme Court's narrowing of federal corruption statutes. But by using state corruption laws in these cases, federal prosecutors risk having *McDonnell v. U.S.* extend to state crimes and crippling local corruption prosecutions everywhere, say Elizabeth Capel and Brandon Fox of Jenner & Block LLP. [Read more »](#)

= 9

= 9 CFPB Financial Data Principles: Whose Data Is It Anyway?

The Consumer Financial Protection Bureau recently released guidance addressing consumer protection principles for consumer-authorized financial data sharing and aggregation. Attorneys with Mayer Brown LLP discuss what the new guidance entails and what it may mean for consumers, fintech companies and the financial services industry. [Read more »](#)

Core Functions And Cooperative Federalism At The EPA = 9

The U.S. Environmental Protection Agency's recently released draft strategic plan for 2018-2022 starkly narrows the items on which the EPA will focus its resources and turns the agency's back on many objectives contained in the previous plan — things that the Trump administration and Administrator Scott Pruitt believe should not be done at all, says Dan Jordanger of Hunton & Williams LLP. [Read more »](#)

Financial Crisis Anniversary Dodd-Frank And Deregulation: Some Lessons From History

= 9

The Dodd-Frank Act, while imperfect, addressed what actually did cause the financial crisis: unreasonable risk-taking, low capital and

high leverage, shadow banking, and much more. The evidence is overwhelming that financial reform is working, that the risk of a crash in the U.S. is greatly reduced, and that banks are highly profitable, says Dennis Kelleher, president of Better Markets Inc. Read more »

LEGAL INDUSTRY

BigLaw's 2017 Profits May Suffer Due To Salary Hikes

Law firms may be on course to have a down year, according to the results of a survey published Monday, with financial results for the first three quarters of the year revealing a slowdown in revenue growth and an uptick in expenses across the industry due to recent associate salary hikes. Read more »

Analysis

Why Law Firm Leaders Should Embrace The Limelight

= 9

Building a highly recognizable and respected brand as a law firm leader is difficult in today's legal industry, but doing so is likely worth the effort. Here, Law360 looks at the benefits of embracing the limelight and shaping a strong public image. Read more »

Trump Court Pick Knocked For Keeping Mum On Wife's Job

= 9 A Trump pick for the federal bench in Alabama "betrayed his obligation to be open and transparent" in the judicial confirmation process by failing to mention that his wife is a White House lawyer, California Sen. Dianne Feinstein said Monday. Read more »

= 9 15 Minutes With Kraft Heinz Co.'s General Counsel

Jim Savina joined Kraft Foods Group in 2013 as associate general counsel, and two years later, became its deputy general counsel,

helping to oversee its 2015 merger with H. J. Heinz Co. [Read more »](#)

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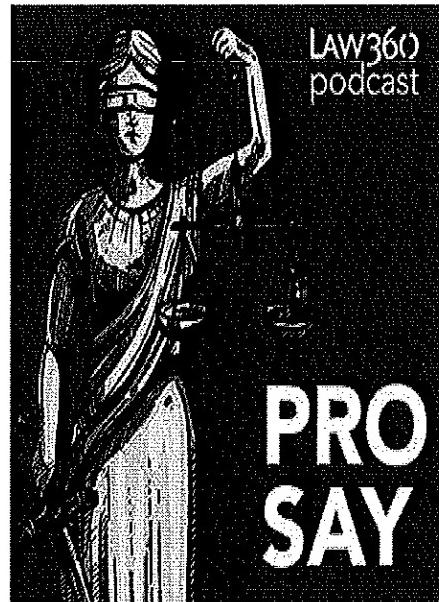
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Cravath Swaine

Crowell & Moring

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Earthjustice

Fisher Phillips

= A

Justices Will Hear Suit Over Calif. Abortion Disclosure Law

The U.S. Supreme Court on Monday agreed to consider whether a California law requiring clinics to tell women how to access information about low-cost contraception and abortions violates the First Amendment rights of providers who oppose abortion. [Read more »](#)

= 9

GOP Senator Wants Moore Expelled If He Wins Alabama Seat

Emboldened Republican Alabama Senate Candidate Roy Moore continued to take heat from GOP Senate leaders Monday over allegations from multiple women of sexual misconduct when they were teenagers, with Colorado's Cory Gardner saying Moore should be expelled should he win next month's special election. [Read more »](#)

BANKING & SECURITIES

Sens. Strike Deal To Raise Threshold For Tougher Bank Rules

= 9 A bipartisan group of senators on Monday unveiled a narrow deal to ease bank rules, including raising the asset level at which banks are subjected to enhanced supervision and other measures aimed at easing compliance for community banks. [Read more »](#)

= 9

= 9 Swaps Overhaul Should Boost Market Vibrancy: CFTC Chair = 9

An overhaul of the swaps market proposed in the 2010 Dodd-Frank Act should be reviewed to ensure that the policies enhance rather than restrict market ? Cvibrancy," U.S. Commodity Futures Trading Commission Chairman J. Christopher Giancarlo said Monday. [Read more »](#)

ENERGY & ENVIRONMENTAL

= 9

Fox Rothschild
Greenbaum Rowe

Hogan Lovells

Holland & Knight
 Hunton & Williams

Jackson Lewis

Jenner & Block

Jones Day

Kirkland & Ellis

= 9

Kobre & Kim

Lawyers' Committee for Civil Rights

= 9

Locke Lord

Mayer Brown

McDermott Will

Morgan Lewis

Norris McLaughlin

Norton Rose Fulbright

= 9

O'Melveny & Myers

O'Neill & Borges

Paul Hastings

= 9

Proskauer Rose

Schiff Hardin

Shook Hardy

Sidley Austin

Skadden

Steptoe & Johnson LLP

Venable LLP

Wiley Rein

Winston & Strawn

Zuckerman Spaeder

= 9

Ex-EPA Attys Blast Pruitt's Sue-and-Settle Directive

U.S. Environmental Protection Agency Administrator Scott Pruitt's recent directive that the agency curb so-called sue-and-settle agreements is based on unfounded claims of EPA collusion with environmental groups, is biased in favor of industry and will likely lead to lengthier and costlier litigation, dozens of former EPA attorneys said Monday. Read more »

Enviros Slam EPA Bid To Sever Coal Ash Issues From Case

Green groups on Monday urged the D.C. Circuit to reject the U.S. Environmental Protection Agency's request that the court remand elements of a coal ash disposal rule to the agency for reconsideration rather than decide legal challenges to them. Read more »

Dover Makes \$7.4M Deal To Clean Up Ohio Superfund Site = 9

Dover Chemical Corp. has agreed to a \$7.4 million cleanup effort at an Ohio Superfund site, the U.S. Department of Justice said Monday. Read more »

HEALTH & LIFE SCIENCES

= 9

Deadlocked Menendez Jurors Are Told To 'Clear Your Heads'

The jurors hearing the bribery trial of Sen. Bob Menendez and a Florida ophthalmologist said Monday that they were deadlocked on all charges, leading a New Jersey federal judge to tell them to break for the day, "clear your heads" and resume deliberations Tuesday morning. Read more »

= 9

NJ Doctor Accused Of Recklessly Pushing Addictive Opioids

A family physician has been temporarily suspended after he was accused of

COMPANIES

Airbnb Inc.
Alliance Defending Freedom
Amazon.com Inc.
America's Essential Hospitals
American Airlines Group Inc.
= 9
American Bankers Association
American Bar Association
American Federation of State, County and Municipal Employees
American Hospital Association
American International Group Inc.
American Public Power Association
Americans United for Life
= 9
Apple Inc.
Associated Electric Cooperative Inc.
Association of American Medical Colleges
BB&T Corporation
Bain & Company Inc.
Bank of America Corporation
= 9
Better Markets Inc.
BuzzFeed Inc.
= 9
Cable News Network Inc.
Cato Institute
Center for Constitutional Rights
Citigroup Inc.
City Utilities of Springfield Inc.
Computer & Communications Industry Association
Deloitte Touche
Deutsche Post
Edison Electric Institute Inc.

indiscriminately prescribing medically unnecessary, highly addictive opioids to patients, the New Jersey Office of the Attorney General announced Monday. Read more » = 9

Health Alliance Sues For \$21M In ACA Risk Corridor Claims

Insurer Health Alliance Medical Plans has sued the federal government in the Court of Federal Claims, alleging it has been unlawfully stiffed on more than \$21 million in Affordable Care Act "risk corridor" payments it is owed for 2016. Read more » = 9

MEDIA & ENTERTAINMENT

= 9

Fla. Senate Bill Aims For Narrower Gaming Reform

A gaming reform bill filed in the Florida Senate on Monday takes a more narrow approach than the ambitious but unsuccessful efforts of recent years, but an anti-gaming group said provisions paving the way for fantasy contests and so-called designated player games raise major concerns. Read more »

Watchdog Orgs. Urge Transparency In Online Election Ads

= 9 Technology and privacy advocacy groups told the Federal Election Commission Friday that it should require disclosures in online political ads after covert Russia-sponsored propaganda was found to have influenced the 2016 presidential election, with at least one group suggesting that broadcast advertising guidelines should apply to web content. = 9
Read more »

EMPLOYMENT

Analysis

5 Employee Wellness Program Tips As EEOC Revisits Regs

= 9

Electronic Privacy Information Center

Eli Lilly and Company

= 9

Ernst & Young

Facebook

FedEx Corporation

Financial Industry Regulatory Authority Inc.

Florida Power & Light Co.

Fordham University

Goldman Sachs Group Inc.

Google Inc.

H. J. Heinz Company

= 9

Human Rights Campaign

ICC Industries

Independent Community Bankers of America

= 9

International Swaps and Derivatives Association

= 9

JPMorgan Chase & Co.

Kraft Foods Inc.

Lawyers' Committee for Civil Rights Under Law

= 9

Lehman Brothers Holdings Inc.

= 9

LinkedIn Corp.

Long Island Rail Road Co.

Lyft Inc.

= 9

NAACP Legal Defense and Educational Fund Inc.

National Collegiate Athletic Association

National Federation of Independent Business

As the U.S. Equal Employment Opportunity Commission conducts a court-ordered review of its wellness program rules, employers that offer such programs must remain cautious about not penalizing workers too harshly if they don't participate and be ready to alter their programs if the regulations change. Here, attorneys share five wellness program tips employers should keep in mind as the EEOC re-evaluates its rules. [Read more »](#)

= 9

High Court Turns Away 4 Notable Employment Cases

The U.S. Supreme Court declined Monday to take up a few notable labor and employment cases, including suits concerning the legality of exclusive bargaining by public sector labor unions, job applicants' standing to sue under the Fair Credit Reporting Act and the National Labor Relations Board's jurisdiction over certain transportation companies. [Read more »](#)

= A

High Court Won't Hear Health Care Workers' Bargaining Suit

The Supreme Court on Monday declined to take up an appeal brought by day care owners and home health care workers in Illinois who challenged a state law that allows public sector unions to negotiate on their behalf even though they're not full-fledged public employees. [Read more »](#)

USCIS Spells Out 'Function Manager' Position Guidelines

= 9 U.S. Citizenship and Immigration Services released a new adopted-decision policy memo Thursday that lays out the requirements for an immigrant to be employed as a "function manager." = 9 [Read more »](#) = 9

PRIVACY & CYBERSECURITY

House OKs Increased Market Data Security Requirements

National Right to Work Legal Defense Foundation
National Rural Electric Cooperative Association

= 9

National Women's Law Center
New York Times Co.

Nomura Holdings, Inc.

Pacific Legal Foundation

Planned Parenthood Federation

PricewaterhouseCoopers

Public Broadcasting Service

Reed Elsevier

Regions Financial Corporation

SIFMA

Schlumberger Limited

= 9

Service Employees International Union

Sierra Club

Spectrum Communications Inc.

Spokeo Inc.

State Street Corp.

= 9

The Royal Bank of Scotland Group PLC

Twitter Inc.

= 9

Washington Post Co.

Well Fargo & Co.

Yelp Inc.

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GOVERNMENT AGENCIES

Alabama Attorney General's Office

Bureau of Citizenship and Immigration Services

Bureau of Reclamation

Centers for Medicare & Medicaid Services

= 9 Citing an increased risk from data breaches, the U.S. House of Representatives approved a bill Monday that would increase security requirements for market data held by the Securities and Exchange Commission and the Financial Industry Regulatory Authority. [Read more »](#)

GOVERNMENT CONTRACTS

= 9

House Passes Bill Expanding Agency Acquisition Options

The House of Representatives passed a bill Monday that would alter how federal agencies weigh the cost of renting equipment against purchasing it when making buying decisions. [Read more »](#)

INTERNATIONAL TRADE

Analysis

TPP Revival Effort Leaves US Out In The Cold

= 9 The 11 countries still under the Trans-Pacific Partnership umbrella revived the beleaguered pact over the weekend with tweaks to its intellectual property and shipping provisions, in a move that experts say will leave the U.S. vulnerable in the crucial Asia-Pacific region as the Trump administration narrows its trade focus. [Read more »](#)

= A

US, Vietnam Announce \$12 Billion In New Trade Deals

= 9

President Donald Trump and Vietnamese President Tran Dai Quang announced \$12 billion in new trade deals during a visit by Trump to Hanoi, Vietnam, this weekend, with both leaders vowing to deepen trade ties and cooperation between the two nations, according to an announcement by the White House Monday. [Read more »](#)

Committee on Foreign Investment in the United States

Commodity Futures Trading Commission

Congressional Budget Office
Consumer Financial Protection Bureau

Equal Employment Opportunity Commission

Executive Office of the President
Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.
Federal Election Commission

Federal Financial Institutions Examination Council

Federal Reserve System

Federal Trade Commission

Florida State Senate

Food and Drug Administration

Government Accountability Office

NAFTA

= 9

National Labor Relations Board

National Mediation Board

National Railroad Passenger Corporation

New York Attorney General's Office

= 9

Office of the Comptroller of the Currency

Office of the Director of National Intelligence

Securities and Exchange Commission

TAX

= 9

A House And Senate Divided Over Property Tax Deduction

Just days after the Senate unveiled its version of tax reform legislation, House Ways and Means Committee Chairman Kevin Brady said the measure wouldn't pass in the lower chamber unless it includes some level of relief for property taxes. [Read more »](#)

= 9

Senate Dems Cry Foul Over Tax Reform Process

Democrats on the Senate Finance Committee accused their Republican colleagues Monday of shutting them out of the tax reform process during the opening hearing for a bill that would slash \$1.5 trillion in taxes over the next decade. [Read more »](#)

= A

Senate Tax Bill Squeaks Under \$1.5T Deficit Cap, Report Says

A recent report by the Joint Committee on Taxation found that the Senate Republicans' tax overhaul bill would deplete federal coffers by slightly less than the \$1.5 trillion limit for passing the measure under fast-track rules, but additional revenue losses after 10 years could still present a roadblock. [Read more »](#)

= A

Big 4 Corp. Clients Likelier To Use Tax Havens, Study Says

Companies that use one of the Big Four accounting firms are more likely to allocate income to alleged tax havens — even if they don't use the firms for tax planning, according to a study released Monday by activist group Tax Justice Network. [= A Read more »](#)

BANKRUPTCY

Seminole Tribe of Florida

Texas Department of Transportation

Transportation Security Administration

U.S. Coast Guard

U.S. Customs and Border Protection

= 9

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Environmental Protection Agency

U.S. House of Representatives

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U.S. Immigration and Customs Enforcement

U.S. Postal Service

U.S. Senate

= 9

U.S. Supreme Court

United Nations

World Trade Organization

Puerto Rico Gov't Wins Autonomy Fight Over Electric Co.

The judge presiding over Puerto Rico's historic restructuring proceedings ruled Monday that the territory's insolvent electric company will remain under local government control as it restructures \$9 billion worth of debt and addresses operational weaknesses, blocking a federal panel from installing an emergency manager to run the utility. [Read more »](#)

IMMIGRATION

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High Court Urged To Review Convicted Resident's Deportation

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A Dominican man who is a lawful permanent resident of the U.S. has urged the U.S. Supreme Court to review his bid to cancel a removal order after he tried to re-enter the country after a brief vacation with a record of prior convictions for drug offenses. [Read more »](#)

= 9

Rep. Slams Rejection Of DACA Applications Delayed In Mail

An Illinois congressman said Friday that it was "unacceptable" for federal officials to deny at least 21 renewal applications for the endangered Deferred Action for Childhood Arrivals program that were sent on time but apparently mishandled by the U.S. Postal Service. [Read more »](#)

= 9

NATIVE AMERICAN

FCC Hires Head For Tribal Affairs Policy Office

= A

The Federal Communications Commission has hired an experienced attorney and policy analyst with a background in energy and Indian

water-rights issues to direct the office overseeing the deployment of telecommunications throughout Indian Country, the agency announced Monday.

[Read more »](#)

= A CIVIL RIGHTS

= 9

Legal, Civil Rights Groups Chime In On High Court Cake Row

A host of civil rights organizations including legal-oriented advocacy groups has urged the U.S. Supreme Court to reject a Christian baker's contention that his First Amendment rights enabled him to overstep state discrimination laws when he refused to make a cake for a same-sex couple's wedding.

[Read more »](#)

WHITE COLLAR

JPMorgan, FCA Whistleblower Get Testy Welcome At DC Circ.

A D.C. Circuit panel on Monday greeted a would-be whistleblower with a flurry of questions on the underlying nature of his False Claims Act suit against JPMorgan Chase as he tries to revive accusations that the company failed to live up to responsible mortgage lending obligations agreed to under a post-financial crisis settlement.

[= 9 Read more » = 9](#)

PEOPLE

Senate Approves Lyft GM For Senior DOT Role

The Senate confirmed Lyft Inc.'s general manager for the number three spot at the U.S. Department of Transportation on Monday, sending President Donald Trump's pick Derek Kan to head the department's policy arm.

[Read more »](#)

Fla. City Attorney Leaving For US Labor Dept. Job

The city attorney for Coral Gables, Florida, is departing to take a position with the U.S. Labor Department after six years in which he helped grow the city attorney's office and built a reputation for defending home rule rights and inclusion for the disabled, according to city leaders. [Read more »](#)

= 9

Trump Nominates Holland & Knight Partner To Be GC Of DNI

A Holland & Knight LLP partner with years of government experience in counterterrorism, government procurement and regulatory compliance was named by President Donald Trump on Monday for a position as the top lawyer for the Office of the Director of National Intelligence. [Read more »](#) = 9

EXPERT ANALYSIS

New Bipartisan CFIUS Reform Begins To Take Shape

The Foreign Investment Risk Review Modernization Act of 2017 introduced last week is intended to strengthen the Committee on Foreign Investment in the United States and address the committee's perceived inadequacies. If enacted, this legislation would reflect the most significant changes to CFIUS in the last decade, say attorneys with Kirkland & Ellis LLP. [Read more »](#) = A

How Tax Reform Could Impact The Health Care Industry

The U.S. House and Senate have now both detailed their tax reform plans, and both plans could have significant effects on the health care industry. Lower corporate tax rates could benefit companies in the health sector, but changes to the orphan drug tax credit and medical expense deduction would be damaging, say attorneys at Debevoise & Plimpton LLP. [Read more »](#) = B

= 9

Gov't Use Of Travel Act To Charge Corruption Might Backfire

Federal prosecutors may be hoping that Travel Act charges against the NCAA basketball coaches and others avoid the U.S. Supreme Court's narrowing of federal corruption statutes. But by using state corruption laws in these cases, federal prosecutors risk having *McDonnell v. U.S.* extend to state crimes and crippling local corruption prosecutions everywhere, say Elizabeth Capel and Brandon Fox of Jenner & Block LLP. [Read more »](#)

= 9

= 9 CFPB Financial Data Principles: Whose Data Is It Anyway?

The Consumer Financial Protection Bureau recently released guidance addressing consumer protection principles for consumer-authorized financial data sharing and aggregation. Attorneys with Mayer Brown LLP discuss what the new guidance entails and what it may mean for consumers, fintech companies and the financial services industry. [Read more »](#)

Core Functions And Cooperative Federalism At The EPA = 9

The U.S. Environmental Protection Agency's recently released draft strategic plan for 2018-2022 starkly narrows the items on which the EPA will focus its resources and turns the agency's back on many objectives contained in the previous plan — things that the Trump administration and Administrator Scott Pruitt believe should not be done at all, says Dan Jordanger of Hunton & Williams LLP. [Read more »](#)

Financial Crisis Anniversary Dodd-Frank And Deregulation: Some Lessons From History

= 9

The Dodd-Frank Act, while imperfect, addressed what actually did cause the financial crisis: unreasonable risk-taking, low capital and

high leverage, shadow banking, and much more. The evidence is overwhelming that financial reform is working, that the risk of a crash in the U.S. is greatly reduced, and that banks are highly profitable, says Dennis Kelleher, president of Better Markets Inc. [Read more »](#)

LEGAL INDUSTRY

BigLaw's 2017 Profits May Suffer Due To Salary Hikes

Law firms may be on course to have a down year, according to the results of a survey published Monday, with financial results for the first three quarters of the year revealing a slowdown in revenue growth and an uptick in expenses across the industry due to recent associate salary hikes. [Read more »](#)

Analysis

Why Law Firm Leaders Should Embrace The Limelight

= 9

Building a highly recognizable and respected brand as a law firm leader is difficult in today's legal industry, but doing so is likely worth the effort. Here, Law360 looks at the benefits of embracing the limelight and shaping a strong public image. [Read more »](#)

Trump Court Pick Knocked For Keeping Mum On Wife's Job

= 9 A Trump pick for the federal bench in Alabama "betrayed his obligation to be open and transparent" in the judicial confirmation process by failing to mention that his wife is a White House lawyer, California Sen. Dianne Feinstein said Monday. [Read more »](#)

= 9 15 Minutes With Kraft Heinz Co.'s General Counsel

Jim Savina joined Kraft Foods Group in 2013 as associate general counsel, and two years later, became its deputy general counsel,

helping to oversee its 2015 merger with H. J. Heinz Co. [Read more »](#)

JOBS

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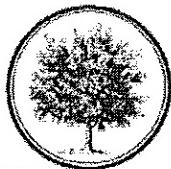
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To: Rep30
Subject: Buckeye President Robert Alt in Forbes: American Workers Deserve Voting Rights

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THE BUCKEYE INSTITUTE

= A

In between the numerous "Giving Tuesday" emails you have likely received today, we hope you will take a minute to read Robert Alt's compelling piece in **Forbes**.

In the article, Robert argues that we need to change our laws in order to empower public-sector workers with the voting rights they deserve.

Who among us believes it is fair that these workers are being denied the right to vote and the ability to have a voice or a choice on which union represents them? Not your Buckeye Institute. We stand solidly in favor of **Worker Voting Rights** and believe workers deserve a voice and a choice in their representation.

= A

Buckeye President & CEO Robert Alt has been featured on more than 70 radio shows across the country in the past few months talking about Buckeye's Worker Voting Rights project, which is quickly gaining momentum, earning media attention, and catalyzing action.

As Robert describes in the Forbes piece in more detail (see below for the full article or [click through to Forbes directly](#)), the time has come and the time is right now for Worker Voting Rights.

= A

Forbes

It's Time For Public Sector Workers To Be Given A Voice And Choice

Forbes

By Robert Alt

November 27, 2017

Early next year, the Supreme Court will hear *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Mark Janus is a child support specialist at the Illinois Department of Healthcare and Family Service who objects to paying union fees, which are currently a condition of his employment. He argues that the compulsory fees force him to speak through his union in ways that violate his First Amendment rights.

If Mr. Janus prevails, he and other public-sector employees will be able to choose whether or not to pay union dues or fees without threat of being fired, which would be a tremendous victory for workers. However, even if Mr. Janus wins in court, public sector union members will still have no say regarding which union represents their bargaining unit.

Every morning, hardworking men and women in every state drink their coffee and diligently go to work on our behalf -- in our neighborhoods as public school teachers, home care workers, engineers, and in agencies protecting the environment. Unfortunately, while these civic-minded professionals go to work for us, the labor unions

that they must join in order to teach our children or serve our communities do not always work for them.

Once a public-sector union is certified, it remains the workers' representative -- potentially forever. In Ohio, for example, the Columbus Education Association has represented Columbus public school teachers since 1968 -- back when the Beatles were still together and before many of today's teachers were even born.

Heirloom unions inherited from the Nixon-era are depriving today's public workers and civil servants of any meaningful voice or choice in their workplace. Ninety-four percent of union workers have **never had the chance to vote for or against their unions** -- and still won't even if Janus succeeds in his case.

When a public-sector union fails to address employee complaints or misspends union dues, there is no ballot to cast for change. Instead, public employees remain stuck with the hand-me-down unions that workers who wore bell-bottoms chose for them.

There is a solution.

With worker voting rights, public employees would have regular elections to encourage their unions to be more responsive to their members' interests. Worker voting rights gives union workers an opportunity to be heard, to voice their concerns to their union leaders, to better understand how their union dues are spent, and to choose for themselves whether to keep the union they have, vote their union out, or vote in a better union. Worker voting rights would incentivize union leaders to cultivate broader support among the workforce they represent and to be accountable to their rank-and-file members. Not surprisingly, 82% of unionized Americans **favor holding periodic votes on their union representation**.

Once-and-for-all unions that rarely -- if ever -- face re-election have no worry of being fired by their members for poor performance or disregarding members' concerns. In states that require workers to pay "fair share" fees as a condition of employment, union leadership failure has next to no consequences, because whether the union negotiates better working conditions for its members or not, whether it spends union dues wisely or not, whether it meets the needs of its members or not, there is almost nothing public employees can do to replace or remove the poorly performing union. Even if these public employees are dissatisfied with their representation, they have to continue paying their union dues or fair share fees, or else their employment can be legally terminated.

Public-sector unions and their insulated union officials know and count on this questionable practice of denying their members voting rights, allowing unions that are not taking care of their members to remain firmly entrenched regardless of their members' satisfaction. But state lawmakers can guarantee worker voting rights for public employees by providing for regular elections by law.

Unions have played a significant role in America's workforce for well over a century. But the interests of the unions themselves should never trump the interests of the hardworking men and women these unions represent. Our civil servants and public-sector employees deserve to have their voices heard and their choices matter -- they deserve worker voting rights.

Robert Alt is President & CEO of The Buckeye Institute in Columbus, Ohio.

= A

p.s. The Buckeye Institute is receiving gifts today as part of "Giving Tuesday" and invite you to consider supporting our work, which is transforming public policy at the state level. Check out our [appeal from last year](#) for explanation of this online phenomenon and background on how it started, then submit a generous donation to [your favorite policy organization](#) as you are able.

#GIVING
TUESDAY

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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Friday, December 15, 2017



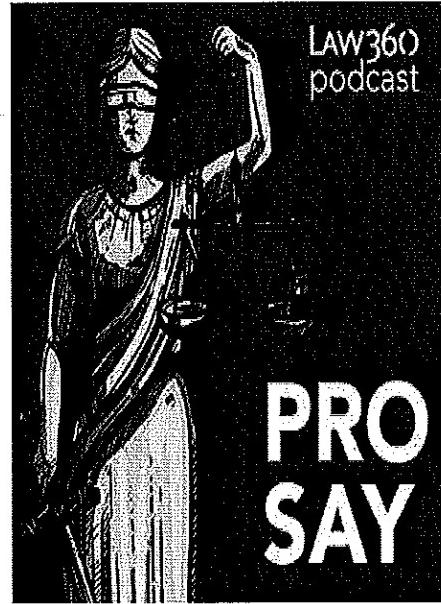
TOP STORIES

Trump's 2018 Deregulatory Push Targets CPP, Fracking Rule

Final coffin nails for the U.S. Environmental Protection Agency's Clean Power Plan and the Bureau of Land Management's hydraulic fracturing rule are just two of the energy-related deregulatory actions the Trump administration is planning to take in 2018, the White House said on Thursday. [Read more »](#)

Final Tax Bill To Allow State Income, Sales Tax Deductions

The final tax cut bill speeding through Congress will allow a deduction for state and local property taxes as well as income or sales taxes while maintaining a \$10,000 cap proposed in earlier versions, according to a Thursday announcement from House Ways and Means Committee Chairman Kevin Brady, R-Texas. [Read more »](#)



Listen to our new podcast here

LAW FIRMS

Akin Gump
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Senate Panel Advances USPTO Head, US Attorneys

The Senate Judiciary Committee approved President Donald Trump's pick to head the U.S. Patent and Trademark Office on a voice vote Thursday, along with nominees for five U.S. attorney positions. [Read more »](#)

Fla. High Court Won't Rule On Gov.'s Plan To Name 3 Justices

The Florida Supreme Court said Thursday that it would not decide on whether Gov. Rick Scott can appoint the next three Supreme Court justices on his final day in office because the governor has not yet acted on his stated plan. [Read more »](#)

Net Neutrality Reversal Draws Intense Criticism, And Praise

When the Federal Communications Commission voted Thursday afternoon to undo Obama-era regulations that guaranteed equal treatment to all online content, it incited a firestorm of criticism from consumer advocates but triggered profuse praise from industry-aligned groups. [Read more »](#)

Analysis

The WTO May Have Reached Its Breaking Point

The World Trade Organization has struggled to get ambitious negotiations off the ground for years, but experts say this week's failure to deliver any concrete results at its ministerial summit could mark a breaking point for the WTO as we know it. [Read more »](#)

BANKING & SECURITIES

House OKs Bill Loosening Bank Privacy Disclosure Rules

The U.S. House of Representatives passed a bill Thursday that would loosen current requirements for banks to notify their customers of personal information policies, claiming the bill would reduce duplicative

Alston & Bird

Arnold & Porter Kaye Scholer

Baker McKenzie

Ballard Spahr

Barnes & Thornburg

Bryan Cave

Cadwalader Wickersham

Carlton Fields

Cleary Gottlieb

Clifford Chance

Covington & Burling

Cozen O'Connor

Cravath Swaine

Crowell & Moring

DLA Piper

Davis Polk

DeHay & Elliston

Debevoise & Plimpton

Dechert

Dentons

Drinker Biddle

Freshfields

Fried Frank

Gibson Dunn

Goldstein & Russell

Gunster

Gupta Wessler

Hogan Lovells

Holland & Knight

Hoover Slovacek

Hughes Socol

Hunton & Williams

Irell & Manella

Kasowitz Benson

Keker Van Nest & Peters

Kennedys CMK

King & Spalding

Lankler Siffert

regulation despite concerns for abuse of the information. [Read more »](#)

Chinese Consumer Lender Slashes IPO Amid Crackdown

A Chinese online microlender that initially filed for a \$500 million U.S. initial public offering has slashed its fundraising estimate by more than three-quarters, a reduction that coincides with a regulatory crackdown by Chinese authorities on online lenders. [Read more »](#)

ENERGY & ENVIRONMENTAL

Senate Confirms Trump's EPA GC, Water Chief Picks

The U.S. Senate on Thursday confirmed Matthew Leopold of Carlton Fields as the U.S. Environmental Protection Agency's general counsel, and Wisconsin Assistant Attorney General David Ross as the EPA's water office chief. [Read more »](#)

Trump's EPA Chemical Safety Office Pick Drops Out

President Donald Trump's controversial pick to lead the U.S. Environmental Protection Agency's chemical safety office has reportedly given up on seeking the post, just weeks after two Republican senators said they couldn't support his nomination and a third expressed doubts as well. [Read more »](#)

EPA Invites Local Groups To Discuss Updates To Lead Rules

The U.S. Environmental Protection Agency on Thursday sent a letter inviting local organizations to weigh in on an effort to revise rules aimed at keeping lead out of drinking water, saying the dialogue was part of the Trump administration's efforts to engage with local stakeholders. [Read more »](#)

Enviro Group Wants Trump Admin.'s Monuments Docs

Law Offices of Stewart and Stewart
Lawyers' Committee for Civil
Rights

LeClairRyan
Linklaters
McKool Smith
Milbank Tweed
Miller Starr
Miner Barnhill
Mintz Levin
Morgan Lewis
Morrison & Foerster

Norris McLaughlin
O'Connell & Aronowitz
O'Melveny & Myers
Orrick Herrington
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Pillsbury Winthrop
Proskauer Rose
Ropes & Gray
Schulte Roth

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Shearman & Sterling
Simpson Thacher
Skadden
Steptoe & Johnson LLP
Stoel Rives
Susman Godfrey
Van Ness Feldman
Weil Gotshal
Wilkinson Walsh
Williams Kastner
Williams Montgomery
Willkie Farr
WilmerHale
Winston & Strawn

COMPANIES

The Conservation Lands Foundation Inc. expanded the fight over President Donald Trump's decision to shrink national monuments in Utah with a Freedom of Information Act lawsuit in D.C. federal court Wednesday, seeking documents to shed light on the move beyond the "sweeping generalizations" already made. [Read more »](#)

Bearded Seal 'Threatened' Listing Improper, Justices Hear

Oil and gas groups, the state of Alaska and an Alaska Native regional corporation urged the U.S. Supreme Court on Wednesday to reject the federal government's plea to uphold the National Marine Fisheries Service's decision to list the Pacific bearded seal as a threatened species. [Read more »](#)

IP & TECHNOLOGY

Startups Need Education On CFIUS Triggers, House Panel Told

The government must work to educate tech startups on potential national security and Committee on Foreign Investment in the United States oversight issues raised by early stage investments from foreign companies, a former high-ranking Treasury Department official now with WilmerHale told the House Financial Services Committee on Thursday. [Read more »](#)

MEDIA & ENTERTAINMENT

FCC Kickstarts Review Of National TV Audience Cap

The Federal Communications Commission on Thursday teed up a further review of its media ownership regulations, voting to move forward with a comment process taking aim at its nationwide television audience cap. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

21st Century Fox Inc.
Alaska Oil and Gas Association
American Cable Association
American Petroleum Institute Inc.
Amgen Inc.
Arctic Slope Regional Corp.
Association of Corporate Counsel
CTIA
Cable News Network Inc.
Center on Budget and Policy Priorities
China Agritech Inc.
Competitive Power Ventures Holdings LLC
Council on Foreign Relations
DISH Network Corporation
Deloitte Touche
Environmental Defense Fund Inc.
Flex Ltd.
Hitachi Ltd.
Imerys SA
LM Ericsson Telephone Company
Matrix Partners LP
Microsoft Corporation
NASDAQ OMX Group Inc.
NBCUniversal Inc.
NEC Corp.
NJ Transit Corp.
National Conference of State Legislatures
Netflix Inc.
New York Times Co.
Norwegian Cruise Line
Panasonic Corporation
Procter & Gamble Co.
Public Broadcasting Service
Renaissance Capital
Sinclair Broadcast Group, Inc.
The Boeing Company

NY, NJ Pledge \$5.55B Toward 'Urgent' Commuter Tunnel Rehab

New York and New Jersey have pledged \$5.55 billion for the construction of two new commuter rail tunnels under the Hudson River, an infrastructure project New York Gov.

Andrew M. Cuomo and New Jersey Gov. Chris Christie said Thursday is "urgent" and critical to public safety and the economy. [Read more »](#)

EMPLOYMENT

NLRB Overturns Employee Handbook Standard

The National Labor Relations Board overturned its 2004 Lutheran Heritage Village-Livonia standard for weighing the legality of employee handbook policies in a 3-2 decision Thursday, with the Republican majority saying the board should balance a given rule's impact on workers' rights and the employer's reasons for maintaining it going forward. [Read more »](#)

NLRB Ditches Browning-Ferris Joint Employer Test

A divided National Labor Relations Board on Thursday erased the landmark expansion of its test for determining joint employment that it had issued in the 2015 Browning-Ferris Industries case, voting along party lines to revert back to its previous standard. [Read more »](#)

COMPETITION

DOJ Antitrust Official Wary Of Regulatory Approach To Data

A top U.S. Department of Justice antitrust official voiced skepticism Thursday of calls to force companies to share their data, but conceded that in "narrow circumstances," it may be appropriate to bring a challenge over a company's refusal to deal with its competitors. [Read more »](#)

The DIRECTV Group, Inc.

The Walt Disney Company

Toshiba

Tribune Media Co.

Twitter Inc.

Washington Post Co.

YouTube Inc.

GOVERNMENT AGENCIES

Alaska Department of Law

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Bureau of Safety and Environmental Enforcement

California Natural Resources Agency

Centers for Disease Control and Prevention

Cherokee Nation

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Reserve System

Federal Trade Commission

Food and Drug Administration

Internal Revenue Service

National Labor Relations Board

National Marine Fisheries Service

National Railroad Passenger Corporation

National Transportation Safety Board

PRIVACY & CYBERSECURITY

Feds Should Ask Firms, Not Cloud Service, For Data: DOJ

The U.S. Department of Justice has advised prosecutors seeking consumer data stored on the cloud to request the information from underlying businesses rather than their third-party data storage providers, in a shift that Microsoft Corp., which has been sparring with the government over online privacy rights, hailed as a positive step. [Read more »](#)

CONSUMER PROTECTION

Analysis

Judge Could Reach Split Ruling On CFPB Leadership

A chief complaint about President Donald Trump's appointment of a White House staffer to lead the Consumer Financial Protection Bureau is that it erodes the agency's independence, but experts say a judge could reassert that independence even as he upholds the president's right to fill that post. [Read more »](#)

GOVERNMENT CONTRACTS

Ex-Cuomo Aide Pleads Not Guilty In Bribery Case

A former aide of New York Gov. Andrew Cuomo and three others pled not guilty on Wednesday to an expanded indictment tied to alleged bribes for higher education and energy projects, ahead of a trial set for January. [Read more »](#)

AEROSPACE & DEFENSE

Armed Services Chair Backs Temporary Funding Bill

House Armed Services Committee Chairman Mac Thornberry, R-Texas, urged colleagues Wednesday to pass a contentious bill to fully

New York Attorney General's Office

Pipeline and Hazardous Materials Safety Administration

Port Authority of New York & New Jersey

Securities and Exchange Commission

U.S. Army

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Transportation

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United Nations

United States District Court for the Eastern District of Pennsylvania

World Trade Organization

fund the military through fiscal 2018 and renew a children's health care program while only temporarily extending other federal spending, saying defense funding should not be used as a "political football." [Read more »](#)

Analysis

Expanded Drone Registry To Spark More Enforcement Action

A legislative fix signed into law by President Donald Trump on Tuesday reinstated a mandate for recreational drone users to register with the federal government, a move that experts say paves the way for more enforcement actions related to privacy, safety and national security. [Read more »](#)

INTERNATIONAL TRADE

Maker Of Plastic Car Parts Seeks CIT Review Of Tariffs

Certus Automotive Inc. has filed a complaint in the U.S. Court of International Trade seeking review of the tariffs imposed on some of the interior and exterior plastic auto parts it imports, after the U.S. Department of Homeland Security and U.S. Customs and Border Protection denied Certus' request for agency review. [Read more »](#)

TAX

Wis. Sen. Blesses Tax Bill Changes, Yet Some In GOP Waver

Sen. Ron Johnson, R-Wis., who negotiated a key provision for pass-through businesses in the final version of the Senate's \$1.4 trillion tax cut bill, on Thursday endorsed a further change that is being floated to give such businesses a 20 percent tax deduction, though not all Republicans are yet in full support of the bill. [Read more »](#)

Prop. Taxes Higher In Poor Chicago Neighborhoods, Suit Says

A pair of Chicago neighborhood advocacy organizations sued the Cook County assessor in Illinois state court Thursday in the wake of reports that the county's property tax policy has overcharged lower-income residents while handing the richest residents a discount. [Read more »](#)

IMMIGRATION

Trump To Appeal Ruling Blocking 'Sanctuary Cities' Order

The Trump administration is appealing to the Ninth Circuit a California federal judge's decision blocking enforcement of an executive order to withhold federal funds from so-called sanctuary cities, according to court documents filed on Thursday. [Read more »](#)

USCIS Ends Temporary Protected Status For Nicaraguans

U.S. Citizenship and Immigration Services is ending a 20-year temporary protected status program for Nicaraguans effective in January 2019, according to a notice issued Thursday in the Federal Register. [Read more »](#)

Woman Says Husband's Visa Delayed Because He's Pakistani

A U.S. citizen seeking a visa for her Pakistan-born spouse sued the U.S. Department of Homeland Security on Wednesday, claiming the agency has intentionally delayed issuing final approval for his visa application because he is from a predominantly Muslim country. [Read more »](#)

NATIVE AMERICAN

Cherokee Must Wait On Final Freedmen Citizenship Order

The Cherokee Nation is eager to fully grant citizenship to descendants of slaves owned by tribal members, but they'll have to wait a little longer after a D.C. federal judge said Thursday that more briefing was required before closing

out a mandate first issued in August. Read more »

TELECOMMUNICATIONS

FCC Overturns Net Neutrality Rules

As anticipated, the Federal Communications Commission voted Thursday to overturn Obama-era net neutrality rules mandating that internet service providers treat all online content equally, handing industry groups a win and offering ISPs leeway to try out "fast" and "slow" lanes for web traffic. Read more »

NY, Mass., Wash. To Sue Over Net Neutrality Rollback

Attorneys general in Massachusetts, New York and Washington state on Thursday announced their intentions to sue the Federal Communications Commission after it moved to undo regulations that protected net neutrality. Read more »

WHITE COLLAR

Atty Wants Political Contributions Nixed From Bribery Suit

The Norris McLaughlin & Marcus PA attorney facing charges over an alleged pay-to-play scheme in Allentown, Pennsylvania, on Wednesday moved to exclude most of the campaign contributions he made to Democratic Mayor Ed Pawlowski, a day after an alleged co-conspirator copped a guilty plea. Read more »

PEOPLE

Senate Confirms Gibson Dunn Vet For 5th Circ.

Gibson Dunn & Crutcher LLP partner James C. Ho is heading to the Fifth Circuit after a Senate vote Thursday confirmed him to the post as President Donald Trump's 12th appellate judge confirmed this year. Read more »

EXPERT ANALYSIS

Opinion

Time To Root Out Political Interference With The DOJ

Congress and indeed the Justice Department itself have the tools to investigate political interference with our nation's law enforcement and protect the DOJ from abuse. It's time to use them, says Sen. Sheldon Whitehouse, D-R.I. [Read more »](#)

Litigation Trend Links Climate Change And Human Rights

One key takeaway from the Bonn Climate Talks — which recently brought together negotiators from close to 200 countries to discuss implementation of the Paris agreement — is that energy companies must seriously consider potential lawsuits linking their business operations with human rights violations and climate change, say Viren Mascarenhas and Kayla Winarsky Green of King & Spalding LLP. [Read more »](#)

Cosmetic Companies Must Plan For New Regulation

U.S. senators on both sides of the aisle have proposed cosmetic reform bills, making it likely that Congress will soon pass legislation regulating personal care products. This, in turn, is likely to result in greater litigation against companies making those products, say attorneys at Mintz Levin Cohn Ferris Glovsky and Popeo PC. [Read more »](#)

Reviewing 2017's CEQA Legislative And Regulatory Activity

As another year draws near its close, a number of notable California Environmental Quality Act developments in both the legislative and regulatory arenas bear mention, including one proposed regulation that is already outdated due to its conflict with a

recent Fifth District decision, says Arthur Coon of Miller Starr Regalia. [Read more »](#)

LEGAL INDUSTRY

9th Circ. Chief Launches Kozinski Sex Misconduct Inquiry

The chief judge of the Ninth Circuit on Thursday ordered a judicial misconduct inquiry into U.S. Circuit Judge Alex Kozinski over media reports the judge showed female clerks pornography and committed other acts of sexual misconduct. [Read more »](#)

Arnold & Porter To Award Cravath-Scale Associate Bonuses

Arnold & Porter Kaye Scholer LLP on Wednesday became the latest firm to fall in line with the growing roster of BigLaw firms to offer year-end associate bonuses that align with the scale established by Cravath Swaine & Moore LLP. [Read more »](#)

Firm Consolidation Isn't Going To Slow Down In 2018

The legal industry will see limited growth in demand and increasing consolidation in 2018 as firms face mounting pressures both on pricing and costs, and middle-tier firms in particular will feel the squeeze, according to a report released on Thursday. [Read more »](#)

Tanenbaum Keale Goes West With Ex-Sedgwick Attys

Litigation boutique Tanenbaum Keale LLP, which was started this year by a group of veteran Sedgwick LLP partners, announced Thursday that it would expand westward, opening a Seattle office to be led by a product liability partner and former colleague from the soon-to-be-shuttered firm. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Attorneys at Cravath Swaine & Moore topped this week's legal lions list after guiding Disney's

newly inked \$52 billion deal to buy 21st Century Fox's film and television assets, while a team of DLA Piper attorneys landed on the legal lambs list after misconduct got them thrown out of Dish Network's trademark suit against a DirecTV retailer. [Read more »](#)

Why Information Governance Is More Important Than Ever

It used to be that hiring a good law firm was the single most important thing a company could do when facing litigation. You could now make the case that an organization's most powerful asset in prosecuting or defending a claim is its information, says Linda Sharp, associate general counsel of ZL Technologies and chair of the ACC Information Governance Committee. [Read more »](#)

JOBS

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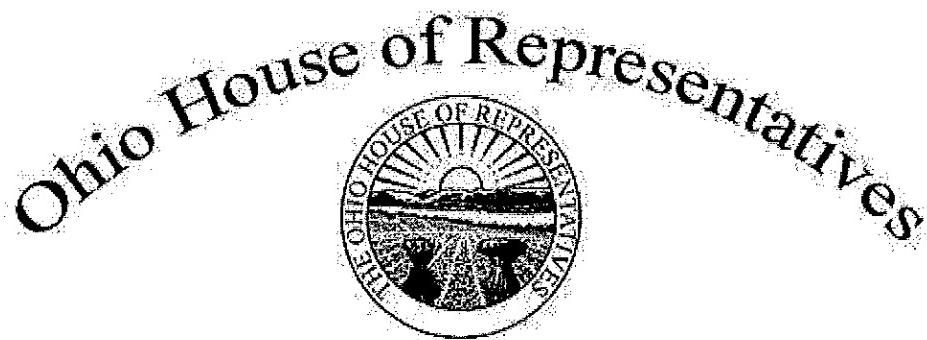
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From: Michalowski, Joe
Sent: Friday, December 15, 2017 11:38 AM
To: Michalowski, Joe
Subject: Becker Co-sponsor Request: Six Right-to-Work Constitutional Amendments
Attachments: Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf



Representative John Becker
Ohio's 65th House District

MEMORANDUM

To: GOP House Members
From: Representative John Becker
Date: Friday, December 15, 2017
RE: Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is “open for business.”
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
2. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.